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THE
Statutes at Large;
BEING
A COLLECTION
OF ALL THE
LAWS OF VIRGINIA,
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

—:•:—
VOLUME VI.

—:•:•:•:—
By WILLIAM WALLER HENING.
—:•:•:•:—

"The Laws of a country are necessarily connected with every thing belonging to the people of it; so that a thorough knowledge of them, and of their progress would inform us of every thing that was most useful to be known about them; and one of the greatest imperfections of historians in general, is owing to their ignorance of law."

PRIESTLEY'S LECT. ON HIST. pa. 149.

RICHMOND.

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1819.

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1894, Jan. 9.

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WE JOHN M. MARTIN and ROBERT G. SCOTT, do hereby certify that the Laws contained in the Sixth volume of HENING's *Statutes at Large*, have been by us, examined and compared with the originals from which they were taken, and have been found truly and accurately printed, except as to a list of *Errata* to the number of thirty-five, at the end of the volume.

Given under our hands this 13th day of July 1819.

JOHN M. MARTIN.

ROBERT G. SCOTT.

Members of the Executive Council of Virginia.

HARVARD
UNIVERSITY
JAN 22 1935

P R E F A C E

TO THE

Sixth Volume of the Statutes at Large.

THE fifth volume of this work, commenced with the acts of 1738, and proceeded through those of 1748 as far as chapter XIV. inclusive, but the acts of this session containing a *revisal* of our laws, for which provision had been made by an act of 1743, (a) it was impossible to comprise them in that volume. They are completed in this; and the laws are brought down to the end of October session 1755. From page 408 of volume 5, to page 215 of volume 6, the revised acts of 1748 will be found. These were first published in the edition of 1752, as they passed the Colonial Assembly, but ten of them having been repealed by the king's proclamation in April 1752, (b) which made a very important change in our system of jurisprudence, it became necessary to publish a new edition of our laws. This produced the edition of 1769, which has long been known by the appellation of the *old body of the laws*, in contradistinction to the *Revised Code*, contained in the editions of 1794, 1803 and 1814. I have now lying before me, the edition of 1752, from which that of 1769 was printed. This is evident from a variety of circumstances: in different parts of the book, we meet with these words, in manuscript, "Examin'd so far with the Rolls:" all the corrections made with the pen, in this copy of the edition of 1752, and all the manuscript notes are printed, word for word, in the edition of 1769; and the arrangement of the chapters, are precisely as they are numbered in manuscript. Such of the acts of 1748, as had been repealed by proclamation in 1752, and such other acts of that session, as had been amended and re enacted by the Legislature, after that event, are noted "not to be printed." Although the chapters are newly arranged in the edition of 1769, yet the sections remain unaltered. This circumstance alone would be sufficient to evince that that collection of our laws, is merely an *edition*, not a *revisal*.

In 1754, commenced a series of acts, intended for the protection of the inhabitants on the western frontiers, from the incursions of the French and Indians. (c) Encouragement had been held out by previous acts of the Legislature for persons to settle "on the waters of the Mississippi river in the county of Augusta;"

(a) See vol 5, pa. 321. (b) See pa. 215, of this volume, and pa. 432, of vol. 5.
(c) See pa. 417.

(*d*) which was then the frontier county, and included all the western waters within the limits of Virginia. New sources of revenue were provided; (*e*) a lottery was instituted; (*f*) regular soldiers, were either impressed into the service, (*g*) or drafted from among the young unmarried men of the militia; (*h*) the militia were newly organized; (*i*) courts martial constituted for the trial of military offences, (*k*) and the act making provision against invasions and insurrections amended. (*l*)

During this period, while the Indians were perpetrating the most cruel barbarities on the defenceless inhabitants of the frontiers, there existed a great scarcity of Indian corn, at that time the staple article for bread.—The Assembly, to counteract the effects of such a state of things, resorted to the *lex talionis*, as it respected the Indians, by giving a reward of ten pounds for every enemy's scalp, taken from a male above twelve years old, and the like sum for every prisoner taken alive; (*m*) and by a subsequent law, the same rewards were given to friendly Indians. (*n*) The price of Indian corn was limited to *twelve shillings and six pence* per barrel (*o*).

It was during this war that *Col. George Washington*, afterwards the *General*, so justly celebrated as the commander of the American armies from the commencement to the termination of the revolution, first distinguished himself. The Assembly, in 1755, reciting that “the officers and private soldiers of the forces, levied “in this colony had in the late engagement on the Monongahela, “behaved gallantly, and sustained great loss,” voted the sum of three hundred pounds to *Col. Washington*, other sums to different officers by name, and five pounds to each surviving soldier. (*p*.)

In the succeeding volumes there will be no omission of any private or local act, the editor having in his possession *every* act of Assembly and ordinance of convention, from the year 1752, down to the present time.

WILLIAM WALLER HENING.

(*d*) See pa. 258, 355. (*e*) See pa. 419, 435. (*f*) See pa. 453. (*g*) See pa. 438, 465. (*h*) See pa. 465, 527. (*i*) See pa. 530. (*k*) See pa. 534, 547. (*l*) See pa. 544. (*m*) See pa. 550. (*n*) See pa. 564. (*o*) See pa. 553. (*p*.) See pa. 528.

***List of Governors of Virginia, during the
period comprised in this volume.***

WILLIAM GOOCH, ESQR. was appointed Governor in 1727, and continued until sometime between 1749 and 1752; the last patents signed by him, being dated the 20th of June, 1749, and the first signed by his successor, Robert Dinwiddie, esqr. bearing date the 28th of April, 1752.—The intermediate patents were signed either by Thomas Lee, or Lewis Burwell, as Presidents of the Council. William Gooch, esqr. acquired the title of Baronet while Governor of Virginia, as appears not only from the records of the Land Office, but from the acts of Assembly, of that period.

Sir William Gooch, Bart.
Robert Dinwiddie esqr.

AT A

GENERAL ASSEMBLY,

Sir W.
Gooch, Bart.
Governor.

BEGUN AND HELD AT

*The College in Williamsburg, the twenty-seventh day
of October, in the twenty-second year of the reign of
our sovereign lord George II. by the grace of God, of
Great Britain, France and Ireland, King, Defender
of the Faith, &c. and in the year of our Lord, 1748.*

CHAP. XV.

An act for the better securing the payment of rents,
and preventing the fraudulent practices of Tenants.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, The method of proceeding in distress for rents, and it is hereby enacted by the authority of the same, That where any goods or chattels shall be distrained for any rent reserved, and due, upon any demise, lease, or contract whatsoever, and the tenant, or owner of the goods so distrained, shall not, within ten days after such distress taken, and notice thereof, and the cause of such taking, left at the chief mansion house, or other most notorious place on the premises, charged with the rent distrained for, replevy the same, by sufficient security given to the sheriff, or officer serving such distress, to pay the money or tobacco, and all costs, with lawful interest for the same, at the end of three months, in such case, such sheriff or officer shall and may sell the goods and chattels so distrained, by public auction to the highest bidder, either for money or tobacco, according as the rent reserved shall be due and payable, in the like manner as goods or chattels taken in execution; and all bonds and securities, taken upon such sale, shall be returned by the sheriff or officer, and be of the like force, and leviable when due, in the same manner as bonds taken upon executing a writ of *feri facias*.

B—Vol. 6.

Where the
distress is for
tobacco, be-
tween 30th
Sep. and 31st
Dec.

II. *Provided always,* That when distress shall be made for tobacco, between the last day of September, and the last day of December in any year, and the goods distrained shall not be replevied as aforesaid, such goods shall be sold, and security taken for paying the tobacco by the first day of January then next; and the bonds taken for the same, and costs of seizure and sale, shall be by the officer delivered to the landlord for whom distress was made.

Remedy
in case of
wrongful dis-
tress.

III. *And be it further enacted by the authority afore-* said, That in case any distress and sale shall be made, under colour of this act, for rent pretended to be in arrear and due, where in truth no rent is arrear, or due, to the person or persons distraining, or to him, her, or them, in whose name or names, or right, such distress shall be taken as aforesaid, then the owner of the goods and chattels so distrained and sold, his executors or administrators, shall have remedy, by action of trespass, or upon the case, against the person and persons so wrongfully distraining, or either of them, his, her, or their executors and administrators, and shall recover double the value of the goods and chattels so distrained and sold, together with full costs of suit.

Treble da-
mages upon
pound
breach or a
rescous.

IV. *And be it further enacted by the authority afore-* said, That upon any pound-breach, or rescous, of goods or chattels distrained for rent, the person or persons grieved thereby shall, in a special action upon the case for the wrong thereby sustained, recover treble damages, with costs of suit, against the offender and offenders in any such rescous or pound-breach, or either of them, or against the owner of the goods distrained, in case the same be afterwards found to have come to his or her use or possession.

Goods upon
leasehold
lands may
not be taken
in execution
without pay-
ing the rent
arrear.

V. *And be it further enacted by the authority afore-* said, That no goods or chattels whatsoever, lying or being in or upon any messuage, lands, or tenements, which are, or shall be leased for life, or lives, term of years, at will, or otherwise, shall at any time hereafter be liable to be taken, by virtue of any writ of execution, or on any pretence whatsoever, unless the party so taking the same shall, before removal of the goods from off such premises, pay or tender to the landlord, or lessor thereof, or his agent, all the money or tobacco due for the rent of the said premises, at the time of taking such goods or chattels in execution.

VI. Provided nevertheless, That such rent arrear But not for more than one year. do not amount to more than one year's rent; and if more be due, then the party suing out such execution, paying or tendering to such landlord, or his agent, one year's rent, may proceed to execute his judgment: and the sheriff or officer serving the same is hereby impowered and required to levy and pay to the plaintiff, as well the money or tobacco so paid for rent, as the execution money.

VII. And be it further enacted by the authority aforesaid, That where any landlord shall have sufficient Where tenant removes, the landlord may have attachment. grounds to suspect that his tenant will remove, with his effects, out of the county, before the expiration of his term, so as no distress for the said rent can be made, it shall be lawful for such landlord to go before any justice of the peace, of the county where the lands leased do lie, and make oath, what rent the tenant is to pay, and at what time the same will be due, and that he has just cause to suspect, and verily believes, such tenant will remove his, or her effects out of the county, before the time of payment; and thereupon such justice may, and he is hereby impowered and required, to issue an attachment against the goods and chattels of such tenant, returnable to his next county court, and if such tenant shall not, at the time of serving such attachment, or before, or at such next court, enter into recognizance, with one or more sufficient securities, for the payment of the said rent at the time it shall become due, it shall be lawful for such court, and they are hereby required, to order the goods attached to be sold, by the sheriff at public auction, for money or tobacco, according to the reservation of the rent, to be paid at the time the rent shall become due, the purchasers giving good security for such payment, and to assign the bonds taken for the same, and the costs, to such landlord: and the overplus of such sale, if any, besides the charges of attachment and sale, to return to the owner.

VIII. And that in case any lessee, for life or lives, term of years, at will, or otherwise, of messuages, lands, or tenements, upon the demise whereof any rents are or shall be reserved, or made payable, shall at any time, fraudulently or clandestinely, convey or carry off or from such demised premises, his goods or chattels, with intent to prevent the landlord, or lessor, from distraining the same for arrears of rent so reserv- Goods carried off, may be seized within ten days.

ed, it shall be lawful for such lessor or landlord, or any person or persons by him for that purpose lawfully impowered, within ten days next after such conveying away, or carrying off such goods and chattels, to take and seize the same wherever they shall be found, as a distress for the arrears of such rent, and the same to sell, in like manner as if they actually had been distrained, by such lessor or landlord, in and upon the demised premises.

But not if sold before seizure.

IX. *Provided always,* That no goods or chattels so carried off, and *bona fide* sold for a valuable consideration, before such seizure made, shall be afterwards liable to be so taken or seized for any arrears of rent.

Rent arrear upon lease for life, recoverable by action of debt.

X. *And be it further enacted by the authority aforesaid,* That any person or persons, having rent in arrear or due, upon any lease or demise, for life or lives, may bring an action or actions of debt for such arrears of rent, in the same manner as if such rent were due, and reserved upon a lease for years.

How rent arrear may be distrained after determination of the lease.

XI. *And that it shall be lawful for any person or persons, having rent in arrear or due upon any lease for life or lives, or for years, or at will, ended or determined, to distrain for such arrears after the determination of the respective leases, in the same manner as if such lease or leases had not been determined.*

Proviso.

XII. *Provided,* That such distress be made within six months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

Saving debts due to the king.

XIII. *Provided also, and it is hereby enacted and declared,* That nothing in this act contained shall extend, or be construed, to let, hinder, or prejudice his majesty, his heirs and successors, in the levying, recovering, or seizing, any debts, fines, penalties, or forfeitures, due, payable, or answerable, to his majesty, his heirs and successors: But that the same may be levied, recovered, and seized, in the same manner as if this act had never been made.

Repealing clause.

XIV. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement.

XV. *And be it further enacted,* That this act shall commence and be in force, from and immediately after

the tenth day of June; which shall be in the year of our Lord one thousand seven hundred and fifty-one.

CHAP. XVI.

An Act for the Settlement and Regulation of Ferries, and for Dispatch of Public Expresses.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That ferries be constantly kept at the places hereafter named, and that the rates for passing the said ferries be as follows, viz.

On James River and the Branches thereof.

	For a Man.		Horse.	
	s.	d.	s.	d.
From the land of Henry Batts, in Henrico county, to the Glebe land, at Varina.	0	3½	0	8½
From Westover, in Charles City county, to Maycox, or Coggins Point; and from Maycox to Westover,	0	7½	0	7½
From Kennon's to Maye's, on Appomattox river, and from Maye's to Kennon's,	0	3½	0	3½
From Joseph Wilkin's, or John Hood's land, in Prince George county, to John Minge's land, in Wyanoke,	0	7½	0	7½
From Hog-Island, in Surry county, to Higginson's landing, on Col. Lewis Burwell's land, so long as the ferry-keeper will, at his own charge, keep a sufficient bridge, over Hog Island creek, and upon failure thereof from Hog-Island main, to the end the said bridge may never become a county charge, and from the said Higginson's landing to Hog-Island, or upon failure as aforesaid, to the main,	1	3	1	3

	For Man.	Horse.
	s. d.	s. d.
At Williamsburg, from Princes Anne Port to Hog-Island,	2 6	—
For a man and horse,	4 0	—
From Swan's Point to Jamestown,	0 7½	0 7½
From Crouche's creek to Jamestown,	1 0	1 0
From Jamestown to the two last mentioned places respectively,	1 0	1 0
At Chicahominy, the usual place on each side the river,	0 6	0 6
From Cowle's to Williams's,	0 3½	0 3½
From Cowle's to Hamner's point,	0 6	0 6
From Coffield's point, in Nansemond county, to Robert Peale's near Sleepy Hole,	0 6	0 6
From Hampton town point, to Brooke's point,	0 3	0 3
From Hampton town to Sewell's point,	3 0	3 0
From Norfolk town to Sawyer's point, or Crawford's, and from Crawford's to Norfolk town,	0 6	0 6
From Crawford's to Powder point,	0 4	0 4
From Bolling's point, in Henrico county, over Appomattox river,	0 2	0 2
From Bermuda-hundred to City point,	1 0	1 0
From City point to Shirley-hundred, at the ship landing, and from the said landing to City point,	1 0	1 0
From the ship landing at Shirley, to Bermuda hundred,	0 6	0 6
From the hemp landing, at the falls of James river, to Shocoe's, on the land of William Byrd, esq.	0 4	0 4
From the land of Stephen Woodson, in the county of Goochland, to Manacoon town,	0 3	0 3
From Henry Cary's land, over the river, to the land of the said Cary,	0 3	0 3
From Henry Batte's, in the county of Henrico, to Alexander Bolling's, in the county of Prince George,	0 3	0 3
From the land of Col. Richard Bland, in the county of Prince George, to the land of Mrs. Anderson, in the county of Charles City,	0 7½	0 7½

	For Man. s. d.	Horse. s. d.
From the land of William Pride, call- ed the Store Landing, in the coun- ty of Henrica, to Anthony's landing, in the county of Prince George,	0 3	0 3
From the said Store Landing over Per- sie's stile creek, to the land of Peter 'Baugh,	0 3	0 3
From the warehouse landing at War- wick, to the land of Thomas Mose- ley,	0 3	0 3
From the town of Southampton, to the borough of Norfolk, and to Nanse- mond town,	7 6	7 6
But if there be more than one single man and horse,	5 0	5 0
And the same rates from Norfolk and Nansemond, to Southampton.		
From Mulberry-Island point, in the county of Warwick, to Cocket's in Isle of Wight; and from Cocket's to Mulberry-Island,	1 3	1 3
From the land of Richard Mosby, in Goochland county, to the land of Tarlton Fleming, opposite to Mos- by's landing,	0 3	0 3
From the land of Tucker Woodson, to the land of Paul Micheaux, near the court-house,	0 3	0 3
From the land of Bennet Goode, to the land of Col. John Fleming,	0 3	0 3
From the land of James Fenly, to the land of William Cabell, cross the Fluvanna,	0 3	0 3
From Charles Lynch's plantation, in Albemarle county, on the Rivanna, cross the said river, to the land of Richard Meriwether,	0 3	0 3
From the land of Mr. Benjamin Cocke, cross the said river to the land of the said Benjamin Cocke,	0 3	0 3
From the land of Ashford Hughes, on the north side of James river, near the mouth of Willis's creek, cross the said river, to the land of Robert		

	For Man. s. d.	Horse. s. d.
Carter; and from the said Carter's to the said Hughes's,	0 3	0 3
From the land of Lemuel Riddick, adjoining to the public wharf, in Suffolk, cross Nansemond river, to Samuel Jordan's land,	0 4	0 4
From the land of William Pride, in the county of Henrico, on Appomattox river, above the narrow falls, to the land of the said Pride, over the river, in Prince George county,	0 2	0 2
From the land of William Cabbell, in Albemarle county, at the mouth of Swan's creek, over the Fluvanna, to the land of Samuel Spencer; or from the said Cabbell's, over Tye river, to his land opposite,	0 3	0 3

On York.

From Chamberlayne's to Williams's, or Williams's to Chamberlayne's,	0 6	0 6
From Brick House to West point, or West point to Brick House	0 9	0 9
From Brick House to Dudley's, or Dudley's to Brick House,	1 0	10½
From Webb's to Lyde's, formerly Spencer's, in King William county,	0 6	0 6
From Thomas Crenshaw's to the usual landing place,	0 3	0 3
From Temple's landing, over Mataponi river,	0 3	0 3
From West point to Dudley's, or Dudley's to West point,	0 6	0 6
From York town to Tindal's point, or Tindal's point to York,	0 7½	0 7½
From Capahosick to Scimino,	1 3	1 3
From Seaton's over Pianketank,	0 6	0 6
From Frazier's to Broach's, and from Broach's to Frazier's,	0 6	0 6
From Walker town to Waller's, or Waller's to Walker town,	0 3½	0 3½
From Turk's Ferry over Pianketank,	0 3½	0 3½
From Robert King's over Pamunky, to Blackwell's, or from Blackwell's to King's,	0 3	0 3

	For Man. s. d.	Horse. s. d.
From Sweethall to Claiborne Gooch's, or from Claiborne Gooch's to Sweet- hall,	0 6	0 6
From George Dabney's over Pamun- ky river,	0 8	0 8
From Taylor's in King William, to Garland's in Hanover,	0 3	0 3
From William Pulliam's in Hanover, to John Holliday's in Caroline,	0 3	0 3
From Richard Littlepage's, to Thomas Claiborne's land, over Pamunky, and from Claiborne's to Little- page's,	0 6	0 6
From Todd's warehouse landing, in King and Queen, to the land of Robert Armistead Bird, in King William,	0 2	0 2

Rappahanock.

From Whiting's to Gilbert's,	2 0	2 0
From the land of Thomas Ley, to Ro- binson's, or from Robinson's to Ley's,	0 6	0 6
From Byrd's to Williams', or Wil- liams' to Byrd's,	1 3	1 3
From Tappahannock town to Carter's, or to Rappahanock creek, on either side thereof,	1 3	1 3
From Tankersley's over Rappahanock river, to the usual place,	0 4	0 4
From Germanna over the Rapid Ann,	0 3	0 3
From Ray's plantation to Skinker's,	0 4	0 4
From Urbanna to Chetwood's,	2 0	2 0
At Urbanna, from the ferry landing to Locust point, on the land of Ralph Wormley, esq.	0 3	0 3
From Johnston's plantation in Spotsyl- vania, to Washington's, in King George,	0 3	0 3
From Taliaferro's plantation of the Mount, to the land of Joseph Ber- ry,	0 4	0 4
From Philemon Cavenaugh's ford,	0 3	0 3

LAWS OF VIRGINIA,

	For Man. s. d.	Horse. s. d.
From the wharf above the mouth of Massaponax creek, to the opposite landing upon Mr. Ball's land,	0 3	0 8
From Fredericksburg warehouse to the land of Anthony Strother, or Strother's to Fredericksburg,	0 3	0 3
From Roy's warehouse to Gibson's warehouse,	0 4	0 4
From William Lowry's to the land of Benjamin Rust, or from Rust's to Lowry's,	1 0	1 0
From Falmouth to the land of Francis Thornton, in Spotsylvania,	0 3	0 3
From Hackley's land in King George, to Corbin's in Caroline,	0 3	0 3
From the lot of Joseph Morton, in Leeds town, to the lands of Mrs. Brooke,	0 8	0 8
From the lower side of Parrot's creek, to Teague's creek, on the land of Baldwin Matthews Smith, and from that creek to the lower side of Parrot's creek,	1 6	1 6

Potomack.

From Col. William Fitzhugh's land at Boyd's Hole, over to Maryland,	2 6	2 6
From Hoe's to Cedar point,	2 0	2 0
From Triplit's land below the mouth of Quantico creek, over to Brooks's land,	1 6	1 6
From Robert Lovell's in the county of Westmoreland, over to Maryland,	2 6	2 6
From the land of William Russel on Sherendo, cross into the fork, or cross the main river,	0 8	80
From Kersey's landing on Col. Carter Burwell's land, to the land of Col. Landon Carter,	0 3 $\frac{1}{2}$	0 3 $\frac{1}{2}$
From Gersham Key's land, to the land of the Honourable William Fairfax, esq.	0 3 $\frac{1}{2}$	0 3 $\frac{1}{2}$
At Williams' Gap, from the land of the Right Honorable the Lord Fairfax,		

	For Man. Horse.	
	s. d.	s. d.
where John Melton now lives, to the land of Ralph Wormley, esq.	0 3½	0 3½
From the plantation of George Mason, opposite to Rock creek, over to Maryland,	0 4	0 4
From the plantation of John Hereford, in Daigs neck, over the river, to the lower side of Pamunky in Maryland,	1 0	1 0
From Hunting creek warehouse, to Frazier's point, or Addison's,	1 0	1 0
From the land of Ebenezer Floyd, to Powell's,	0 6	0 6
From Evan Watkin's landing, opposite to Canagochego creek, to Edmund Wade's land in Maryland,	0 3	0 3
From the land of William Clifton to the land of Thomas Wallis,	1 0	1 0
From the land of Hugh West, to Frazier's, or Addison's,	1 0	1 0

Notloway.

From Thomas Drew's land to Dr. Brown's,	0 3	0 3
From Bolton's ferry, to Simmons' land,	0 3	0 3

Eastern Shore.

From York, Hampton, and Norfolk towns, to the land of Littleton Eyre, on Hungar's river, or from thence to either of the aforesaid places, for a man or horse, passing singly, twenty shillings, for a man and horse, or if there be more, for each fifteen shillings.

And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferry keeper may demand and take the rates following, viz.

For every coach, chariot, or waggon, and the driver thereof, the same as for six horses.	Wheel carriages.
For every cart, or four wheel chaise, and the driver of such chaise, as for four horses.	
For every two wheel chaise, or chair, as for two horses.	
For every hogshead of tobacco, as for one horse.	Tobacco.
For every head of neat cattle, as for one horse.	Cattle.

Sheep, goat. For every sheep, goat, or lamb, one fifth part of the ferriage of one horse.

Hogs. For every hog, one fourth of the ferriage of one horse. According to the prices herein before settled at such ferry respectively, and no more.

Penalty on taking greater rates. And if any ferry keeper shall presume to demand and receive, from any person or persons whatsoever, any greater rate than is herein before allowed, for the carriage and ferriage of any thing whatsoever, he or they, for every such offence, shall forfeit and pay to the party grieved, the ferriage demanded, and received, and ten shillings, to be recovered with costs, before any justice of peace, of the county where such offence shall be committed.

County courts may appoint opposite ferries. II. And that where a ferry is by this act appointed on one side of a river or creek, and none on the other side answerable thereto, it shall be lawful for the respective county courts, to appoint an opposite ferry, and to allow the respective rates herein before directed, and the said courts are also hereby empowered to appoint a ferry over any river or creek, within their respective counties, where the same shall be found convenient, and to contract with the keeper of such ferry or of any public ferry, to set over the militia of the county, on muster days, and to raise an allowance for the same in their county levy; *Provided always,* That no such allowance shall be raised for any ferry over a river or creek into another county.

And ferries for their militia.

Other ferries.

III. And that it shall be lawful for the keepers of the several county ferries, herein after mentioned, respectively, to demand and take for ferriage, the following rates, that is to say,

On the river Occoquan in Prince William, for a man three pence, for a horse the same.

Nominy, in Westmoreland, for a man four pence, for a horse the same.

Mattox, in the same county, for a man three pence, for a horse the same.

Pappahanock creek, in Richmond county, for a man three pence, for a horse the same.

Piscataway, in Essex, for a man three pence, for a horse the same.

On James river, at Beach's in Henrico, for a man three pence, for a horse the same.

From Jacob Mischeaux's to Thomas Atkins's, for a man three pence, for a horse the same.

On the Fluvanna, from Scott's to Battersby's, or Noble Ladd's, in Albemarle, for a man three pence, for a horse the same.

And for wheel carriages the same in proportion to the rates herein last mentioned, as is allowed at public ferries: *Provided nevertheless*, That nothing herein contained shall be construed to oblige any person or persons to pay for ferriages at any of the said county ferries, who, before the making of this act, was or were exempted from the same, by reason of his, her, or their estate or interest in the county where such ferries are kept. Saving to persons exempted.

IV. And for the better and more orderly keeping of public ferries, *Be it further enacted by the authority aforesaid*, That the court of every county, wherein such ferries are, or shall be appointed, shall have, and is hereby declared to have authority of ordering and directing, what boat or boats, and the number of hands which shall be kept at each ferry respectively; and the owner of the land, whereon any such ferry is or shall be, shall, within six months after passing this act, give bond with one surety, in the court of the county wherein such ferry is; and in the penalty of twenty pounds, with condition, That he will duly keep such ferry, or cause the same to be kept according to law, and will give immediate passage to all public messengers and expresses, when required from time to time; and in case any such person shall neglect or refuse to give such bond, or to cause the same to be given on his behalf, he shall forfeit and pay forty shillings for every month's refusal or neglect, to the king, his heirs, and successors, for the better support of this government, and the contingent charges thereof, recoverable with costs, by action of debt or information, in any court of record, where the same shall be cognizable. Regulation of ferry keepers.

V. And for ascertaining what shall be accounted public messages and expresses, *It is hereby declared*, That all expresses sent by the Secretary of this colony, or any member of the council, or by the sheriff of any county, or a commander in chief, colonel, lieutenant-colonel, or major, to the governor or commander in chief of this dominion, for the time being, or sent by such governor or commander in chief, or by the clerk of the council, to any person, or sent by any What shall be public expresses.

Messenger's
allowance.

chief militia officer, to the governor, or to the chief commanding officer of the militia in the next county, to give intelligence of the approach of an enemy, or which shall come from beyond sea, directed to the governor, or commander in chief of this colony, shall be accounted public messages and expresses, and ferry free, within the condition and meaning of the bond aforesaid, in case such expresses be directed for his majesty's service, and signed upon the superscription by the person or persons sending the same: And his majesty's receiver general for the time being, shall pay such messenger at the seat of this government, out of the revenues of two shillings per hogshead on tobacco, or head money, fort duties, fines, or rights, in ready money, for every mile he shall be sent forward on such public message, four pence per mile, for himself and horse, in full consideration for his going and returning; and where he shall be kept attending by order of the governor or commander in chief, five shillings per day for such attendance. *Provided*, That such messenger produce, from the superscriber of such express, a certificate of the messenger's name, and distance of miles; and his attendance shall also be certified by the governor, or the clerk of the council, before payment of the said reward: and if such messenger be sent by water, the same shall be paid for, at the rate of fifteen pence per day for the boat, and two shillings per day for each man employed to go in her.

Adjutant and
his servant,
ferry free.
And constables conduct
ing runaways.

VI. *And it is also hereby enacted*, That keepers of ferries within this dominion shall give immediate passage to the adjutant-general of the militia, or his deputy, and one servant, with their horses, ferry free: And also to all constables and their assistants, charged with conducting any runaway servant or slave, either to the public gaol, or to such runaway's master or owner, without charging such constable or assistants for ferriage, either going or returning: But all such ferriage, and the ferriage of such runaways, shall be paid by the county where the respective ferries are kept, and repaid by the public, and levied upon the owners of such runaways.

How runaways ferriage shall be discharged

Encouragements to ferry keepers.

VII. And for encouragement of ferry keepers, and in consideration of setting over public messengers, and the persons exempted by this act, *Be it fur*

ther enacted by the authority aforesaid, That all the men attending the said ferries be free of public and county levies, and from all other public services of musters, constables, clearing highways, impressment, and other things of like nature: And that keepers of ferries shall not be chargeable with any fee for giving bond: And if the court shall find it requisite or useful that an ordinary be kept at any ferry, they may licence such ferry keeper to keep ordinary, without any fee for the license, or obtaining the same, except half the fee by law allowed to the governor; notwithstanding there be a sufficient number of other ordinaries in the same county: Provided always, That every ferry keeper so licensed to keep ordinary shall give bond and security, and be liable to the same penalties as other ordinary keepers: And that if any other person whatsoever shall, for reward, set any person or persons over any river or creek, whereon public ferries are by this act appointed, he or she so offending shall forfeit and pay five pounds current money, for every such offence, one moiety to the ferry keeper nearest the place where such offence shall be committed, the other moiety to the informer; and if such ferry keeper inform, he shall have the whole penalty, to be recovered with costs by action of debt or information, in any county court of this dominion.

Penalty on other persons taking ferriage.

VIII. *And be it further enacted, by the authority aforesaid, That all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, except one act made in the eighteenth year of his present majesty's reign, For enabling the justices of Fairfax and Prince William counties, to levy tobacco on the said counties, to support Occoquan ferry, shall be and are hereby repealed.*

Repealing clause.

IX. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.*

Commencement of this act.

An Act concerning Seamen.

I. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any seaman, or sailor, belonging to any ship or vessel within this dominion, shall run away, or absent himself from his service on board, every such seaman or sailor, may be taken up, or secured, and brought before a justice of peace of the county where taken, and by his warrant committed to the next constable, and conveyed from constable to constable, 'til he be put on board the ship or vessel to which he belongs; and the constable so delivering him on board shall take a receipt thereof, from the master, mate, or other officer of such vessel, which being by him produced to the naval officer of the district where such vessel rides, before clearing out, shall entitle him to a reward of five shillings, for every runaway taken up ten miles, or under, from the place where the vessel rides, or ten shillings if above ten miles, to be paid by such naval officer, and reimbursed to him by the master of such ship or vessel at or before his clearing out; and such justice shall also grant a certificate to the taker up, reciting his or her name, the name of the runaway, and of the ship or vessel to which he belongs, the place where taken up, and whether it is ten miles, or more or less, from such ship or vessel, and that the taker up made oath, before him, to the place of taking: Which certificate being produced to the naval officer as aforesaid, shall entitle the taker to a reward of twenty shillings, for every such runaway taken at the distance of ten miles or more, and ten shillings, if under ten miles, to be paid and reimbursed as aforesaid: And if the vessel to which such runaway belongs shall be departed this colony, before he is taken or can be put on board, he may be delivered to the commander or master of any other ship, or vessel, willing to receive him and pay the said rewards: And that the several naval officers of this dominion may pay the said rewards, upon certificates to them produced, out of his majesty's revenue, of two shillings *per* hogshead;—provided due care be taken that the same be reimbursed as by this act before directed.

The method
of apprehending run-
away sea-
men.

The re-
wards.

II. And to prevent escapes, *Be it further enacted,* Penalty on officer suffering an escape. That if any constable, or other officer, charged with conducting a runaway sailor, or sailors, shall wittingly, willingly, or negligently, suffer him, or them, to escape, or shall not in due time deliver such receipt, as by this act is required to be by him taken upon putting such runaway on board, to the naval officer of the district, as is herein before directed; such constable, or officer, shall forfeit and pay fifty shillings current money for every such offence, to the king, his heirs, and successors, towards the better support of this government, and the contingent charges thereof, recoverable with costs, by action of debt, or information, in any county court.

III. And that if any ordinary keeper, or other person, shall at any time, entertain, harbor, or conceal, And on persons harboring seamen. any seaman, or sailor, belonging to any ship or vessel, without good proof of his being about lawful business, such ordinary keeper shall forfeit and pay fifty shillings current money, to the informer, recoverable as aforesaid, or on failure of present payment, or security for payment within six months, shall receive thirty lashes on his, or her bare back, well laid on, for such offence: And if any ordinary keeper, or other person, shall harbor, or entertain any seaman, not producing a certificate of his being discharged, under the hand of his last commander, or master, such offender shall be liable to the like forfeiture and punishment; recoverable in like manner.

IV. And for the better preventing the desertion of On seamen absent without leave. seamen, *It is hereby further enacted,* That if any seaman, belonging to a ship or vessel, within this colony, shall without license of his commander, go on shore, and absent himself from his duty, every such seaman shall, for every such offence, forfeit and pay five shillings current money, to be recovered before any justice of peace, by the master, or any of the crew of the ship or vessel, to which such seaman belongs, and on failure of present payment, or security for payment thereof out of his wages, he shall receive ten lashes on his bare back, well laid on: And that no master of a ship or vessel within this colony, shall hire, receive, On ship masters hiring men without certificates. or entertain any seaman, without a discharge under the hand of his former commander, under penalty of twenty pounds current money, for every seaman so

Seamen travelling without certificate of discharge, may be taken up.

hired, received, or entertained, recoverable with costs, by the master or owner, or owners, of the vessel to which such seaman belongs, by action of debt, in any court of record of this dominion: And that no seaman whatsoever, not being employed by his commander, shall travel within this colony, without certificate, under the hand of his last master, or commander, that such seaman is by him discharged; and if any seaman shall be found travelling without such certificate, he may be taken up as a runaway, and conveyed on board, in the manner herein before directed; and in such case, the persons taking up and conveying such seaman shall be entitled to the same rewards, and liable to the like penalties upon any escape.

Diobedient sailors shall be whipped.

V. *And be it further enacted, by the authority aforesaid,* That if any seaman or other person hired and sent in any sloop, boat, or other vessel, for delivery of goods from on board, or fetching tobacco or other merchandize, shall disobey the lawful commands of his captain, or any officer by him appointed for taking charge of such vessel, such offender, upon complaint and proof thereof made, before any justice of peace, shall have and receive twenty lashes on his bare back, well laid on.

Process in case of mutinies.

VI. *And for preventing and punishing mutinies happening on ship-board, It is hereby further enacted, by the authority aforesaid,* That if any seaman or other person hired to serve on board any ship or vessel, shall obstinately refuse to obey the just commands of his captain, mate, or other superior officer, or shall lift his hand against, or threaten any bodily hurt, to them, or either of them, or shall wilfully neglect his duty, or refuse to work, not being disabled by sickness or otherwise, it shall be lawful for any two justices of the peace, one of them being of the quorum, residing near the place where the vessel rides, upon complaint to them made, to cause the party so offending to be brought before them, together with the witnesses desired by either party, at some convenient place near such ship or vessel, and summarily to hear and determine such complaint, and upon due proof of such offence, to impose such mulct or fine on the party offending, to be paid to the party injured, as to them shall seem just, not exceeding five pounds current money; and if the nature of the offence shall require it, to order and direct such corporal punishment on

on the offender, as they shall think fit: And if any person so convicted shall not make present payment, or give sufficient security for the same to be made within six months, and also for his future good behaviour, he shall receive on his bare back, thirty nine lashes, well laid on, and then be remanded to his service on board.

VII. And for redressing the just complaints of seamen against their commanders, *Be it further enacted, by the authority aforesaid,* That every master or commander of any ship or vessel, within this colony, shall provide and allow good and sufficient diet and accommodation, for all persons under his command, on board such ship or vessel, according to the usage in merchant's service; and also shall provide, or cause to be provided and furnished, the like sufficient allowance of wholesome victuals, to all persons by him employed, or sent in sloops, boats, or other vessels, for the delivery or bringing on board of goods or merchandize, proportionably to the distance of place, and length of time the persons so sent may reasonably be absent: And if any master or commander shall neglect or refuse so to do, upon complaint thereof made to any justice of peace, residing near the place where such ship or vessel rides, he is hereby impowered and required, to cause such master or commander to come before him, to answer such complaint, and thereupon to order such satisfaction to the person or persons injured, as to him shall seem just, and if necessary, thereupon to award execution against the body or goods of such commander: And that if any master or commander of a ship or vessel, within this dominion, shall immoderately beat, wound, or maim, any seaman belonging to his ship or vessel, any justice of peace, upon complaint thereof to him made, is hereby impowered and required, by warrant under his hand, directed to the sheriff or constable, to cause such master or commander to be brought before him, and upon such complaint being duly proved, to take sufficient security for his good behaviour; and moreover, such master or commander shall be liable to the action of the party grieved, at the common law, for all damages sustained by such beating, wounding, or maiming.

Duty of commanders.

Proceedings upon sailors' complaints.

In cases of beating, wounding, &c.

And that if any master or commander shall discharge, or cause to be put on shore, any sick or disabled sailor or sailors, belonging to his ship or vessel,

Discharging sick or disabled men.

or any servant, without taking due care for their maintenance and cure, he shall forfeit and pay ten pounds current money, to the churchwarden or churchwardens of the parish wherein such sailor, or sailors, or servants, shall be put on shore, to be recovered, with costs, by action of debt or informatton, in any county court, and applied towards lessening the parish levy; and he shall also be liable to the action of the churchwardens of that, or any other parish, wherein such sailor, or sailors, or servant, shall become chargeable, for all expences of maintenance and cure; in which action no statute or act of limitation shall be pleaded: And that every master, upon discharging a seaman from his service, shall give him a certificate under his hand, that the person therein named hath served on board his ship, or vessel, and is by him discharged; which shall be sufficient to indemnify any other person hiring or entertaining such seaman; And if any master shall refuse, upon request of the party discharged, to grant him such certificate, he shall forfeit and pay to such party, five pounds current money, recoverable, with costs, before any justice of peace, who is hereby authorized to hear and determine the same, and thereupon to give judgment and award execution.

Master discharging a seaman shall give him a certificate.

Saving to the jurisdiction of the admiralty.

VIII. *Provided always*, That nothing in this act contained shall be construed to limit or restrain the authority and jurisdiction of the lord high-admiral of Great Britain, the vice-admiral of this dominion, or judge of the vice-admiral, for the time being, in any matter or thing properly cognizable in the admiralty court.

Repealing clause.

IX. *And be it further enacted, by the authority aforesaid*, That all and every other acts and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act.

X. *And be it further enacted, by the authority aforesaid*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one,

CHAP. XVIII.

An Act for the better securing the payment of Levies, and Restraint of Vagrants, and for making provision for the poor.

I. WHEREAS divers idle and disorderly persons, *Preamble.* having no visible estates or employments, and who are able to work, frequently strole from one county to another, neglecting to labour, and either failing altogether to list themselves as tithables, or by their idle and disorderly life, rendering themselves incapable of paying their levies when listed: For remedy whereof,

II. *Be it enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall not be lawful to and for any inhabitant of this colony, to entertain, hire, or employ, in his or her house, above the space of forty-eight hours, any person or persons whatsoever, being tithable, and removing from the parish where he or she formerly resided, unless such person shall first produce a certificate, under the hand of the sheriff of the county, or the churchwardens, or other persons collecting the levy of the parish from whence he or she came, that such person paid levy there for the preceding year, or, that he or she came into this colony since, or was a servant at the time of taking the last list of tithables; and if any one shall entertain, hire, or employ, any person or persons whatsoever, being tithable, not having such certificate as aforesaid, he or she so offending, shall forfeit and pay two hundred pounds of tobacco, or twenty shillings current money, for every such offence, to the informer, recoverable before any justice of peace of the county where the offence shall be committed: And if any tithable person, not having such certificate, shall offer him or herself, or seek to be employed, he or she shall be liable to the like penalties and forfeitures, as persons not listing themselves as tithables are liable to. *No wander; ing person shall be hired or entertained without a certificate.*

III. *And be it further enacted, by the authority aforesaid,* That all able bodied persons not having where- *Vagabonds described* withal to maintain themselves, who shall be found

LAWS OF VIRGINIA,

loitering, and neglecting to labour for reasonable wages; all persons who run from their habitations, and leave wives or children, without suitable means for their subsistence, whereby they are like to become burdensome to the parish wherein they inhabit; and all other idle, vagrant, or dissolute persons, wandering abroad, without betaking themselves to some lawful employment, or honest labour, or going about begging, shall be deemed and adjudged rogues and vagabonds.

The manner
of dealing
with such.

IV. *And be it further enacted, by the authority aforesaid,* That if any such vagabond shall be found in any parish or place, wandering, begging, or misordering him or herself, it shall be lawful for any justice of peace of that county, and he is hereby empowered and required, by warrant under his hand, to cause such vagabond to be brought before him, and to examine and inform himself, as well by the oath and examination of the person apprehended, as of any other person or persons, which oath or oaths the justice is hereby empowered to administer, ~~and by~~ any other ways and means he shall think proper, of the condition and circumstances of the person or persons so apprehended; and if it shall appear, that he or she is under the description of vagabonds, within this act, the said justice shall, by his warrant, order and direct him or her to be conveyed and whipt, in the same manner as runaways are, from constable to constable, to the parish wherein his wife or children do inhabit, or where he or she did last reside, as the case shall be, and there delivered to a justice of the peace, who is hereby required to cause every such vagabond to give sufficient security for his or her good behaviour, and for betaking him or herself to some lawful calling, or honest labour; and if he or she shall fail so to do, then to commit him or her to the common goal of the county, there to remain until such security be given, or until the next court: Which court is hereby empowered, if no security be then offered, to bind such vagabond to service, on wages, for the term of one year; and such wages, after deducting the charges of the prosecution and necessary cloathing, shall be applied towards supporting the family of such servant, if any, or otherwise paid to the person so bound, after his or her time of service is expired, in full of all other recompence or reward: But if any

such vagabond be of such evil repute, that no person will receive him or her into service, in such case, the court shall order him or her to receive thirty nine lashes on his or her bare back, well laid on at the public whipping-post, and then to be discharged; and in both cases, every such vagabond shall be afterwards liable to the like prosecution and punishment, for every offence of vagrancy, whereof he or she shall be guilty as aforesaid: And when any such vagabond shall be brought before a justice of the peace, and it shall not appear to the said justice, that he or she has acquired a legal settlement in any parish, the said justice is hereby required to cause such vagabond to give security for his or her good behaviour, and for betaking him or herself to some honest calling or employment, and on failure thereof, shall commit him or her to the gaol of the county, there to remain, and be dealt with as is herein before directed.

V. And for determining all disputes concerning what shall be accounted a legal settlement, whereby any person may be entitled to be provided for at the parish charge; *It is hereby enacted and declared*, That no person shall be accounted an inhabitant, so as to have gained a legal settlement in any parish, until such person shall have been actually resident in such parish, one whole year. What shall be a legal settlement.

VI. *And be it further enacted by the authority aforesaid*, That upon complaint made by the churchwardens of any parish, before a justice of peace, that any poor person or persons is or are come into their parish, and likely to become chargeable thereto, it shall be lawful for such justice, by warrant under his hand, to cause such poor person to be removed to the parish where he or she was last legally settled; but if such poor person be sick or disabled, and cannot be removed without danger of life, the churchwardens shall provide for his or her maintenance and cure, at the charge of their parish, and after recovery shall cause him or her to be so removed; and the parish, wherein he or she was last legally settled, shall repay all charges occasioned by the sickness, maintenance and cure of such poor person, and also all charges and expences, if such person shall die before removal: And if the churchwarden or churchwardens of the parish to which such poor person belongs shall refuse to receive and provide for the person or per- The method of sending poor people to their own parish.

Penalty on church wardens refusing to receive the poor.

Remedy against Vestries not paying charges.

Penalty for entertaining poor without giving notice.

In what cases and by whom poor children may be bound apprentices.

Repealing clause.

Commencement.

as removed by warrant, as aforesaid, every churchwarden so refusing shall forfeit and pay twenty pounds current money, one half to our sovereign lord the king, for the use of the parish from whence the removal was, and the other moiety to the informer; to be recovered by action of debt or information, in any court of record of this dominion, with costs of suit: And if the vestry of the parish where such poor person was last legally settled shall refuse to pay and satisfy all the charges and expences aforesaid, in such case, the vestry of the parish refusing shall be liable for the same to the churchwardens of the parish aggrieved, to be recovered with costs, in any court of record, as aforesaid: And if any house keeper shall entertain any such poor person, and shall not give notice thereof to the churchwardens of the parish, or one of them, within one month, he or she so offending shall forfeit and pay the sum of five pounds, or one thousand pounds of tobacco, to be recovered with costs, by the churchwardens, for the use of the parish, by action of debt or information, in any county court.

VII. And to prevent the evil consequences attending the neglect or inability of poor people to bring up their children in an honest and orderly course of life, *Be it further enacted, by the authority aforesaid, That* where any person or persons shall be, by their county court, judged incapable of supporting and bringing up their child or children, in honest courses, or where it shall appear to the court, that he, she, or they, neglect to take due care of the education of his, her, or their child or children, and their instruction in the principles of christianity, in any such case it shall be lawful for the churchwardens of the parish, where such child or children inhabit, by order of their county court, to bind every such child or children apprentices, in the same manner, and under such covenants and conditions as the law directs for poor orphan children.

VIII. *And be it further enacted by the authority aforesaid, That* all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

IX. *And be it further enacted, by the authority aforesaid, That* this act shall commence and be in force

from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XIX.

An Act directing the duty of Surveyors of Land.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That a'l and every person and persons, who now is, or are surveyors of land in any county of this colony, or assistant to such surveyor, shall, within three months after the commencement of this act, and every person thereafter to be appointed surveyor or assistant, ^{Surveyors and their assistants shall give bond and security.} ~~shall~~ before his entering upon the execution of such trust or office, in the court of that county whereof he is, or shall be appointed surveyor, or assistant, enter into bond with ~~two~~ sufficient sureties, to our sovereign lord the king, his heirs and successors, in the sum of five hundred pounds current money, for the true and faithful execution and performance of his office, and shall also then there make oath, and swear, ^{And be sworn.} 'That he will truly and faithfully, to the best of his knowledge and power, discharge and execute his trust, office, and employment;' which bond and oath the justices of every county court respectively are hereby authorized and required to cause to be entered into, administered, and recorded: And if any surveyor or assistant, shall presume to execute his office, after the commencement of this act, before such bond and oath by him entered into and taken, ^{Otherwise their proceedings void.} he shall not be entitled to demand or receive any fee for the same; and every survey, and other matter or thing, so by him done under colour of his office, shall be illegal and void.

II. And be it further enacted by the authority aforesaid; That when any person shall offer to enter with any surveyor, within this colony, for any quantity of land, not before granted by patent, if the surveyor shall refuse to enter the same, pretending it to have

been before entered by some other person, in such case, the surveyor shall produce his book of entries to the person offering to enter, and shew him the said entry, and also give an attested copy thereof, if required; the person demanding the same, paying for such copy, the fee of two shillings and six pence, and no more: And if any surveyor shall refuse to produce his said book, to any person requiring the same, so as such demand be made at the surveyor's house, or any other place where his book of entries is; or shall refuse to give a copy of any entry, or to enter any land when required, where such entry shall be agreeable to, and not interfering with the orders of the governor in council, relating to the taking up and patenting of lands; or shall refuse upon reasonable notice to him given, to survey and lay out any lands, for any person legally requiring the same, and which may lawfully be done; every surveyor so refusing shall forfeit and pay to the party grieved, for his or her own use, twenty pounds current money, for every such refusal.

Penalty on
surveyors
refusing to
do their du-
ty.

How a sur-
veyor may
enter land
for himself.

III. *And be it further enacted by the authority aforesaid,* That if any surveyor, or assistant, shall enter for lands, either in his own name, or in the name of any other person or persons in his behalf, or for his use, such entry shall be made before a justice of the peace, (not being an assistant) of the county where the lands lie, which entry the said justice shall return to the next court, there to be recorded: And every entry, or survey thereupon made, by or for any surveyor or assistant, after the passing of this act, in any other manner than is herein before directed, shall be illegal and void, and any other person may enter, survey, and sue forth a patent for the same land.

Rules in spe-
cial cases.

IV. *And be it further enacted by the authority aforesaid,* That where any entry hath been or shall be made, for less than four hundred acres of land, and before surveying the same, the person or persons, by or for whom such entry was or shall be made, shall duly enter for more land, adjoining thereto, not exceeding in the whole four hundred acres, the surveyor shall not be entitled to any larger fee for the survey thereof, than if the whole quantity had been entered for at first: And where lands to be surveyed shall lie in two counties, or districts, such land shall be surveyed by the surveyor of that county, or district,

wherein the greatest part lies: And where it shall happen that the title or bounds of any tract of land, lying in two counties, or districts, shall be in controversy, so as to occasion a survey thereof by direction of the court wherein such controversy shall be depending, altho' the surveyors of both counties, or districts, shall attend such survey, yet they shall not be entitled to demand or receive any more, than as if the service had been done by one surveyor only: And if any assistant-surveyor shall presume to make, or take any entry or entries, for any person or persons whatsoever, he shall, for every such offence, forfeit and pay five pounds current money, to the informer, recoverable in any court of record of this dominion, wherein the same shall be cognizable, by action of debt or information; and moreover such offence shall be deemed a forfeiture of the bond of such assistant.

Assistant surveyor may not make or take any entry.

V. And to prevent disputes about the priority of entries for land, and for the greater conveniency of the people, in repairing from time to time to the surveyors of their respective counties, or districts, to make entries for unpatented lands, *Be it further enacted, by the authority aforesaid,* That there shall be but one surveyor, with whom entries for lands shall be made, for each of the several counties of Brunswick, Amelia, Orange, Albemarle, Augusta, and Louisa; and such surveyor, and all and every surveyor and surveyors of the county of Lunenburg, shall be resident in such county, or district respectively, whereof he is surveyor, during the time he shall continue in office, on penalty of forfeiting ten pounds current money, for every month he shall reside out of the same, one moiety of which shall be to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, and the other moiety to the informer.

In what counties the surveyors thereof shall reside.

Penalty, 10 £ per month.

VI. *And be it further enacted by the authority aforesaid,* That every surveyor, making a survey of land, shall see the same plainly bounded, by natural bounds, or marked trees, and, within five months after survey, shall deliver to his employer a plot and certificate thereof, and shall also enter, or cause to be entered, in a book well bound, to be ordered and provided by the court of his county, at the county charge, a true, correct, and fair copy and plot of every survey by him made, during his continuance in office, within

Surveyor's duty, in making surveys, entering plots, &c.

two months after making the same, and certify the name or names of the person or persons for whom any survey is made, the true quantity of land therein contained, the parish or place where it lies, the rivers, creeks, and water courses, and the true boundaries, natural or artificial, and the plantations or lands next adjoining; and also, shall annually, in the month of June, return a true and perfect list of all surveys by him made, to his county court clerk's office, to be recorded, upon penalty of forfeiting, for every default in any of the premises, two thousand pounds of tobacco, one half to the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other half to the informer: And every county court respectively is hereby declared to have full power and authority, at any time when they think fit, to appoint two or more capable persons of their county, to view and examine their surveyor's book of surveys, and to report to them how the same is kept: And upon the death or removal of any surveyor, to retake his book of surveys, and cause the same to be preserved among the county records, or delivered to the next surveyor, as in their discretion they think best.

Penalty in case of failure.

County courts may order their surveyor's book to be inspected. And preserved among the records.

No survey without sworn chain carriers.

Notice of surveying must be given.

Entries of persons not attending within one month after notice, void.

VII. *And be it further enacted, by the authority aforesaid,* That no survey shall be made without chain-carriers, to be paid by the party demanding the survey, and sworn, 'To measure justly and exactly, to the best of their knowledge, and to deliver a true account thereof to the surveyor;' which oath every surveyor is hereby impowered and required to administer.

VIII. *And be it further enacted, by the authority aforesaid,* That all entries for land, legally made, shall stand good, until notice given by the surveyor in writing, publicly affixed at the court-house of his county, on two successive court days, and where the party claiming lives in another county, then in like manner in that county also, that he is ready to proceed to the survey thereof: And if the party claiming, his heirs or assigns, shall not, within one month after such notice, attend the surveyor, with all necessaries for making such survey; and give him timely warning thereof, the entry or entries, claimed by such party, shall be void, as if such entry had never been made,

IX. And for preventing hasty and surreptitious grants, and avoiding controversies and expensive law-suits, *Be it further enacted, by the authority aforesaid,* That no surveyor shall at any time issue or deliver any certificate, copy, or plot of land by him surveyed, except only to the person or persons for whom the same was surveyed, or to his, her, or their order; unless such person or persons shall refuse to pay the surveyor's fees for making such survey, to be proved by the sheriff's return, upon the surveyor's account delivered him to collect, that the party has no effects in his bailiwick, whereupon he can levy the same, or, unless such party shall have legally forfeited his, or her right to the land entered for, to be proved by an authentic copy of the order of council, declaring such forfeiture, produced to the surveyor: And if any surveyor shall presume to issue any certificate, copy, or plot, as aforesaid, to any other than the person or persons entitled thereto, every surveyor so offending shall forfeit and pay to the party injured, his, or her legal representatives or assigns, five hundred pounds of tobacco, for every hundred acres of land contained in the survey, ~~whereof~~ a certificate, copy, or plot, shall be so issued, or ~~shall~~ be liable to the action of the party injured, at the common law, for his, or her damages at the election of such party.

Surveyor shall not issue a plot or copy, to any but the owner.

Exceptions.

Penalty.

X. And be it further enacted by the authority aforesaid, That no surveyor, for any fees due to him by virtue of his office, shall presume to take directly or indirectly, in his own name, or in the name of any other person in trust for him, any obligation, specialty, note, or other security, from any person whatsoever, for the payment of any sum or sums of money, in lieu of such fees; and that all specialties, notes, or securities, taken contrary to this act, shall be void, and no action or suit shall be maintained thereon: And if any action or suit shall be brought upon such specialty, note, or security, the defendant may plead this act in bar thereof, and the plaintiff shall join issue upon such plea, and upon trial thereof the *onus probandi*, as to the consideration for which such specialty, note, or security was given, shall lie upon the plaintiff.

Money securities for surveyor's fees void.

XI. And be it further enacted, by the authority aforesaid, That all the several penalties and forfeitures

How the penalties may

be recovered.

Repealing
clause.

Commence-
ment of this
act.

ures, by this act laid, given, or inflicted, shall and may be recovered with costs, by action of debt, or information, in any court of record of this dominion, wherein such penalty shall be cognizable: And that all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

XII. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.*

CHAP. XX.

An Act for preventing Trespasses, by unruly Horses, Cattle, Hogs, Sheep, or Goats, and by taking away Boats or other vessels.

What shall
be a lawful
fence.

Penalty on
the owner of
beasts break-
ing such in-
closure.

I. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That if any horses, mares, cattle, hogs, sheep, or goats, shall break into any grounds, being inclosed with a strong and sound fence, five feet high, and so close that the beasts breaking into the same could not creep through, or with an hedge two feet high, upon a ditch three feet deep, and three feet broad, or instead of such hedge, a rail fence, of two feet and a half high, the hedge or fence being so close that none of the creatures aforesaid can creep through, which shall be accounted a lawful fence, the owner of such horses, mares, cattle, hogs, sheep, or goats, or any one of them, shall, for the first trespass so committed, make reparation to the party injured, for the true value of the damage he shall sustain; and for every trespass afterwards, double damages, to be recovered, with*

costs, in any court of record of this dominion, wherein the same shall be cognizable. Where the party injured may sue for damages, or destroy the beasts

II. *Provided nevertheless*, That for the third offence of any one or more of the beasts aforesaid, breaking into such enclosures, it shall be at the election of the party injured, to sue for his damages, or to kill and destroy the beasts so trespassing, without being answerable for the same.

III. And that the condition of the fence, at the time of the trespass committed, may be proved to a jury upon trial, *It is hereby further enacted*, That upon complaint made by the party injured, before any justice of peace of that county, wherein such trespass shall be, such justice is hereby impowered and required to issue his order without delay, to three honest house-keepers of the neighbourhood, no ways related to the party injured, nor interested concerning the trespass, reciting the complaint, and requiring them to view the fence where the trespass is complained of, and to take memorandums of the same; and their testimony in such case shall be good evidence to the jury, as touching the lawfulness of the fence. How the fences shall be viewed.

IV. *And be it further enacted by the authority aforesaid*, That if any person, ~~damified~~ for want of such sufficient fence, shall hurt, wound, lame, kill, or destroy, or cause to be hurt, wounded, lamed, killed, or destroyed, by shooting, hunting with dogs, or otherwise, any of the kind, or breed of horses, cattle, sheep, goats, or hogs, he, she, or they, so offending, shall pay and satisfy to the owner of the creature, so hurt, wounded, lamed, killed, or destroyed, double damages, with costs, recoverable as aforesaid, except the damage alledged to be under twenty five shillings, and then recoverable before any justice of peace, of the county where the damage was done. Penalty for hurting beasts in grounds not sufficiently fenced.

V. *And be it further enacted, by the authority aforesaid*, That all owners of horses, mares, cattle, or other beasts, which they know to have barked fruit trees, shall keep the same within their own fenced ground; and if any person shall take up any horse, mare, kine, or other beast, known by the owner to have barked fruit-trees, and shall deliver the same to such owner, he or she shall pay the taker up one hundred pounds of tobacco for every such beast, so taken up and delivered, recoverable with costs, before Reward for taking up beasts known to have barked fruit trees.

any justice of the county wherein such beast was taken up, or the owner lives: *Provided always*, That the taker up shall, if required, make oath before the same justice, that he took up such horse, mare, or other beast, and that no means were used by himself, or any other person to his knowledge, to set the same at large; otherwise he shall lose the said reward.

Penalty for taking boats or other vessels.

VI. *And be it further enacted, by the authority aforesaid*, That every person who shall, without leave of the owner, take away any boat, or other vessel, shall for every such offence, pay five hundred pounds of tobacco, to the owner thereof, over and above the damage such boat or vessel shall sustain, and over and above the charge of bringing back the vessel; to be recovered, with costs, in any court of record, as aforesaid; and if the person so trespassing be a servant, he or she shall make the like satisfaction, by his or her service, when the time due to his or her master, or owner, shall be expired; and where there shall be several offenders in one trespass, every person shall be liable for the whole penalty.

Repealing clause.

VII. *And be it further enacted, by the authority aforesaid*, That one act made in the fourth year of Queen Anne, intituled, *An Act for prevention of trespasses, by unruly horses, cattle, hogs, sheep, and goats, and by taking away boats, and canoes*, shall be, and is hereby repealed.

Commencement of this act.

VIII. *And be it further enacted*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XXI.

An Act concerning Tithables.

Who shall be tithable.

I. *BE it enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same*, That all male persons of the age of sixteen years and up-

wards, and all negroe, mulatto, and Indian women of the same age, except Indians tributary to this government, and all wives of free negroes, mulattos, and Indians, except as before excepted, shall be and are hereby declared to be tithable, and chargeable for defraying the public, county, and parish levies, of this colony and dominion, excepting such only as the county courts, for charitable reasons appearing to them, shall think fit to excuse.

II. *Provided always*, That nothing herein contained shall be construed to extend to the governor, or commander in chief of this colony, for the time being, and his domestick servants; or to the president, masters, scholars, and domestick servants, of the college of *William and Mary*; or to the person of any benefited minister within this colony; or to the person of any constable, so long as he continues in his office; so as to charge them, or any of them, as tithables within the meaning of this act. Persons exempted.

III. And for ascertaining the age of children imported into this colony, *Be it further enacted, by the authority aforesaid*, That the owner or purchaser of every imported child, being a servant or slave, and the parent or importer of every free male child, shall bring him or her before the court of that county wherein such child shall be resident, at the first, second, or third court held, after his or her importation, and the age of such child, being then there adjudged by the court, and recorded, shall be deemed and taken to be the true age thereof, in respect to his or her becoming tithable, otherwise every such child shall be immediately tithable, although not sixteen years of age. How the age of children imported, shall be adjudged.

IV. And for the regular listing all tithable persons, *Be it further enacted, by the authority aforesaid*, That the court of every county respectively, shall divide the same into convenient precincts, and annually, before the tenth day of June, appoint one of the justices for each precinct, to take a list of the tithables therein; and every such justice shall, before that day, give public notice of his being so appointed, and at what place or places he intends to receive the lists, by advertisement thereof, affixed to the church door of the parish wherein his precinct lies, and shall accordingly attend on the said tenth day of June, if it be not Sunday, and then on the next day, and in August court next following shall deliver a fair list, of the names The method of listing tithables.

and numbers of the tithables, together with the vouchers by him taken, to the clerk of the court, who, on the next court day, shall set up fair copies of such lists in his court house, there to remain during the sitting of that court, for the inspection of all persons, and the better discovery of such as shall be concealed: And if any justice so appointed shall refuse to take, or shall fail to return such list, and vouchers, as aforesaid, he shall forfeit and pay two thousand pounds of tobacco, one moiety to the king, his heirs and successors, for the use of the county wherein such failure, or refusal shall be, towards lessening the county levy, and the other moiety to the informer, to be recovered with costs, by action of debt, or information, in any county court of this dominion.

Penalty on justices not taking and returning the lists.

On persons not listing their tithables.

V. And that every master, or owner of a family, or in his absence, or non-residence at the plantation; his or her agent, attorney, or overseer, shall on the said tenth day of June, by a list under his or her hand, deliver, or cause to be delivered, to the justice appointed for that precinct, the names and number of all tithable persons abiding in, or belonging to his or her family, the ninth of June; or the master or owner thereof, or in case of his or her absence, or non residence upon the plantation, the overseer, shall be adjudged a concealer of such and so many tithables as shall not be listed and given in, and for every tithable person so concealed, shall forfeit and pay five hundred pounds of tobacco, one moiety to the king, his heirs and successors, for the use of the parish wherein such concealment shall be, the other moiety to the informer, to be recovered with costs, by action of debt, or information, in any court of record where the same shall be cognizable: And when any overseer shall fail to list the tithables upon the plantation whereof he is overseer, the master or owner shall be subject to the payment of their levies, in the same manner as he would have been if they had been listed: And if any justice, appointed to take the list of tithables, shall not truly enter and list the names, and number of his own tithables in that precinct, in the list he gives in, he shall be adjudged a concealer, and for every tithable person so by him concealed and not listed, shall forfeit and pay one thousand pounds of tobacco, to be applied and recovered as aforesaid.

Owner liable where the Overseer fails to list. On the justice not listing his own tithables.

VI. *Provided nevertheless,* That if any owner or overseer shall happen, by sickness, absence, or ignorance of the person, or place, to omit delivering his or her list on the said tenth day of June, to the justice appointed to take the same, it shall be lawful for such person, to deliver or send his or her list to the house of such justice, at any time before the last day of the said month, which shall discharge him or her from the penalty aforesaid.

Lists may be given in before June 30

VII. And whereas some persons, being owners of plantations in different counties and parishes, when they have been apprehensive, That the levies would run high in one of those counties or parishes, by reason of public buildings, or other emergencies, have removed their tithables some small time before the ninth of June, out of such county or parish, to some other plantation in another county or parish, and in a short time afterwards have caused the same, or other tithables in their room, to return to the county or parish from whence they were removed: For preventing such fraudulent practices, *Be it further enacted, by the authority aforesaid,* That if any master,

What shall be a fraudulent removal of tithables.

owner, or overseer, shall remove his or her tithables, from one plantation to another, with intent to avoid the payment of levies in the county or parish from whence they are so removed, and shall afterwards cause the same or other tithables in their room, to return to the plantation from whence they were removed, in the manner herein before mentioned, every such master, owner, or overseer, shall be adjudged, and is hereby declared to be a concealer of the tithables so removed, and shall be liable to the penalties by this act inflicted for concealing or not listing tithables, to be recovered and applied as is herein before directed.

VIII. And for the ease and encouragement of mariners, and seafaring persons, *Be it further enacted, by the authority aforesaid,* That all mariners and seafaring persons, not being freeholders, commonly employed in navigation, and who actually pay towards the support of Greenwich hospital, out of their wages, shall be, and are hereby exempted from being listed as tithables, and from paying any public, county, or parish levy.

Mariners not tithable.

IX. *And be it further enacted, by the authority aforesaid,* That one act made in the fourth year of queen

Repealing clause.

LAWS OF VIRGINIA,

And, intituled, An act concerning tithables, and one other act, made in the twelfth year of his present majesty's reign, For amending the said act, and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commence-
ment of this
act.

X. *And be it further enacted*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XXII.

An Act to prevent the clandestine transportation, or carrying of persons in debt, servants, or slaves, out of this Colony.

Penalties on
ship masters,
transporting
any person
without li-
cence.

I. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That no master of a ship, or other vessel, shall transport or carry any person whatsoever out of this colony and dominion, without a licence, or pass for the same, signed by the secretary of this colony, for the time being, or such other person as he shall depute and authorise for that purpose, upon penalty of answering and paying every debt and duty such person, at his or her departure out of this colony, shall owe, or stand obliged for, to the king, his heirs, and successors, or to any of the inhabitants, merchants, or traders here, by judgment, bond, bill, covenant, account, or any other ways or means whatsoever, to be recovered against such master, by action of debt, in any court of record within this dominion: And that no master of a ship, or any other vessel, shall transport or carry any servant whatsoever, or any negroe, mulatto, Indian, or other slave, out of this colony, without the consent or permission of the person or persons to whom such servant or slave doth of right belong, upon penalty of forfeiting and paying, in

current money, fifty pounds for every servant, and one hundred pounds for every slave, transported or carried hence contrary to this act, one moiety to our sovereign lord the king, his heirs, and successors, for the better support of this government, and the contingent charges thereof, and the other moiety to the owner of such servant, or slave, to be recovered with costs, by action of debt, or information; in any court of record of this dominion: And moreover, such master shall be liable to the suit of the party grieved, at the common law, for his or her damages.

II. And that every such master, offending in any of the cases aforesaid, shall be liable to be sued at any time, for any debt due and owing from the person so transported, and for any forfeiture and damages accruing due from himself by virtue of this act: And whensoever any such action or suit shall be brought against him, the court wherein the same shall be depending, may rule the defendant to give special bail, if they see cause, and shall not allow him to plead in bar, or give in evidence, any act or statute of limitation, any former or other law, to the contrary, notwithstanding.

The master may be sued at any time, and held to special bail.

III. *And be it further enacted, by the authority aforesaid,* That every master of a ship, or vessel, shall, at the time of his clearing, and before he shall be cleared out hence, before the officers of the customs in the port where the vessel rides, take the following oath.

I, A. B. master of the ship, (or vessel) U. do swear, His oath:
That I will make diligent inquiry and search in my said ship, (or vessel) and will not knowingly, or willingly carry, or suffered to be carried in my said ship (or vessel) out of this dominion, without such pass as is directed by law, any person or persons whatsoever, that I shall know to be removing hence in order to defraud their creditors, nor any servant, or slave, that is not attending his or her master, or owner.

And every mate and boatswain of a ship, or vessel, shall take an oath to the same effect: Which oaths the respective officers of the customs, are hereby empowered and required to administer. Mate and boatswain shall also be sworn.

Provided always, That the taking of the said oath shall not discharge such master from any of the penalties to which he is liable by this act.

IV. *And be it further enacted by the authority aforesaid,* That if any person, not being a servant, or

Penalties on persons who forge or counterfeit a pass.

slave, shall forge or counterfeit any pass, in order to procure a transportation out of this colony, he or she, so forging or counterfeiting, shall forfeit and pay ten pounds current money, one moiety to his majesty, his heirs and successors, towards the better support of this government, and the contingent charges thereof, the other moiety to the informer, recoverable by action of debt, or information, in any county court, with costs of suit; and moreover, every such offender shall stand in the pillory for the space of two hours, on a court day, at the court house of the county where he or she shall be convicted; and if any servant shall forge or counterfeit such pass, or make use of the same, knowing it to be such, in order to obtain a transportation, or to escape out of this colony, by land or water, he or she so offending, and being thereof convicted, shall stand in the pillory two hours, as aforesaid, and receive thirty lashes on his or her bare back, well laid on, at the whipping post.

The manner of obtaining a pass.

V. *And be it further enacted, by the authority aforesaid, That it shall not be lawful for the secretary, or any deputy by him appointed, to grant a licence, or pass, for transporting or carrying any person whatsoever out of this colony, unless bond, with two sufficient sureties, be given to the secretary of this dominion, in the sum of two thousand pounds sterling, with condition, to answer and pay every debt and duty the said person, at going out of this colony, shall owe or stand obliged for, by any ways or means whatsoever; or, unless such person shall produce a certificate from a county court clerk, in the form following, "I A. B. clerk of county court, "do hereby certify, That C. D. is, and for some time "past hath been, an inhabitant of this county, and "hath published his intention of going out of this colony, according to law, dated," &c. But it shall not be lawful for any county court clerk to issue such certificate till ten days after publication hath been made in his county, of the party's intention to go out of this colony, by a note thereof set up at the county court house, on a court day: And notwithstanding such certificate obtained, if a Caveat be entered in the secretary's office, to hinder a licence or pass being issued, and bond given, with one sufficient surety, for five hundred pounds current money, payable to the*

How a Caveat may be entered and allowed

secretary of this dominion, by the party entering such Caveat, with condition, to answer and pay all damages which the party stopped shall recover, it shall not then be lawful for the secretary, if such Caveat be entered with him, or any of his deputies with whom the same shall be entered, to grant a licence or pass, unless the party so stopped shall give counter bond, with one sufficient surety also, to the secretary of this dominion, for double the sum claimed by the person entering the Caveat, with condition, To answer and pay whatsoever the said person shall recover of his pretended claim: *Provided always*, That the said sureties, and all other sureties for persons going out of this colony, after the expiration of two years from the time of their becoming such sureties, shall be discharged from all claims and demands whatsoever, for which no suit shall be commenced or prosecuted within that time.

If no suit within two years the sureties discharged.

VI. *And be it enacted*, That the secretary, or his deputy, to whom any certificate for obtaining a pass shall be presented, shall in no case return the said certificate to the person bringing it, but shall file it in his office.

Certificates shall be filed in the secretary's office.

VII. *And for the more easy obtaining a licence, or pass, It is hereby further enacted*, That the secretary of this dominion, for the time being, shall appoint and keep within each district of this colony, at least one deputy, for granting licences or passes according to this act, to any person or persons within such district, legally requiring the same: And if, for the space of two months after publication of this act, he shall fail to appoint such deputies, or, having appointed them, shall not certify their names, to the several county court clerks, or shall fail, within two months after any vacancy, to appoint another deputy and certify the same as aforesaid, he shall forfeit and pay fifty pounds current money for every such failure, one moiety to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to him, her, or them that shall inform, or sue for the same, in any court of record within this dominion.

The secretary shall appoint deputies to grant passes.

Penalty on failure.

VIII. *And that if any person desirous to go out of this dominion, in order to obtain a licence or pass, shall offer to give bond with sufficient sureties, or*

And on refusal to grant a pass.

Prosecution
in twelve
months.

produce a county court clerk's certificate, according to this act, and the secretary, or his deputy shall refuse, upon request, to grant a licence or pass, no Caveat being entered according to this act, the secretary, or his deputy, so refusing, shall forfeit and pay five hundred pounds current money, one moiety to his majesty, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to the party grieved, prosecuting within twelve months next after such refusal, to be recovered, with costs, by action of debt, in any court of record of this dominion.

Certificates
and passes
shall be re-
gistered.

IX. And to the end every master of a ship, or other vessel, lawfully transporting any person out of this colony, may be enabled to manifest the same, if questioned, after he has lost his licence or pass, *Be it further enacted, by the authority aforesaid,* That every county court clerk shall register, in his office, all certificates by him issued from time to time pursuant to this act: That the secretary's deputies shall, in October general court annually, return to the secretary's office, a list of all licences or passes by each of them respectively issued the preceding year: That the clerk of the said office shall register the same, as soon as they come to his hands, or within a reasonable time thereafter: That if the secretary himself shall grant any licence, or pass, he shall cause the same to be registered in his office within a year after granting it: And that if any of the persons aforesaid shall at any time fail in any particular of him or them respectively as aforesaid required, every such person shall forfeit and pay five hundred pounds current money, for every such failure, one moiety to the king, his heirs and successors, for the use aforesaid, the other moiety to the informer, recoverable in manner aforesaid.

Penalty on
failure.

Repealing
clause.

X. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commence-
ment.

XI. *And be it further enacted,* That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.

CHAP. XXIII.

An Act for prevention of abuses in tobacco shipped on freight.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every master of a ship or vessel in this colony, intending to take tobacco on board, before his obtaining a permit for the same shall give bond, to the king, his heirs and successors, in the sum of two hundred pounds current money, with condition; That he will not crop, cut away the bulge, draw the staves, or otherwise abuse or injure any tobacco cask, freighted in his ship or vessel, nor cause or suffer the same to be done, with his knowledge, privity, or procurement, without the approbation and consent of the freighter or freighters; and shall also make oath and swear, or being a quaker, solemnly affirm and declare, to the same effect; which bond, and oath or affirmation, the naval officer of the district wherein such ship or vessel rides, is hereby authorized and required to take and administer: And if any naval officer shall grant any permit to load tobacco, before such bond given, or oath or affirmation made, he shall forfeit and pay two hundred pounds current money, one moiety to the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to the informer, recoverable with costs, by action of debt or information, in any court of record of this dominion.

Masters of ships intending to load tobacco, shall give bond, and make oath, not to injure Tobacco cask.

Penalty on officer granting permit, before bond and oath taken.

II. And be it further enacted by the authority aforesaid, That if any officer, mariner, or other person, belonging to or hired on board any ship or vessel taking in tobacco, shall crop, cut away the bulge, draw the staves, or otherwise abuse or injure, any tobacco cask freighted on board, without the approbation and consent aforesaid, or shall be aiding or assisting therein, every such offender shall forfeit and pay five pounds current money to the informer, to be recovered with costs, by action of debt, or information, in any county court, whereupon the defendant

On officers and men on board, injuring tobacco cask.

Defendant may be held to bail. may be held to special bail, and the fact may be laid in any county where the defendant or defendants shall be arrested, without liberty of traverse: And if there be several offenders in the same fact, each person shall pay the whole penalty, and the master of such ship or vessel shall also be liable to the action of the party injured, for his or her damages.

Parties in the fact may be evidences or informers, and thereby indemnified. III. And that for the better discovery of the truth, every mariner, summoned and appearing as a witness, shall be allowed to give evidence, and thereby discharged of prosecution for the same fact: And if any mariner whatsoever, in such offence, shall be the informer, such information shall indemnify him from all accusation or penalty for the same.

Penalty on persons opposing a search. IV. And that it shall be lawful for any collector, naval officer, searcher, or any person having tobacco on board, to go on board such ship or vessel, in the day time, during her loading, to search and discover whether any breach has been made of this act: And if any master, officer, or mariner, shall hinder or oppose such search, he shall for every such offence, forfeit and pay ten pounds current money, one half to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, the other half to the informer, recoverable with costs, by action of debt or information, in any county court.

Repealing clause. V. *And be it further enacted, by the authority aforesaid,* That one act made in the ninth year of Queen Anne, For prevention of abuses in tobacco shipped on freight; and all and every other act and acts, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act. VI. *And be it further enacted,* That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XXIV.

An Act to prevent the tending of Seconds.

I. WHEREAS the tending and curing tobacco slips and suckers, for the making of seconds, is greatly prejudicial to the people of this colony, by debasing the quality and depreciating the value thereof. Preamble.

II. Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person shall weed, top, hill, sucker, house, cure, strip, or pack any seconds, suckers, or slips of tobacco, or shall cause or suffer the same to be done upon any plantation to him or her belonging, or under his or her direction or management, he or she shall forfeit and pay five hundred pounds of tobacco, for every person employed thereon in that year; and if such plantation shall be under the care of an overseer, being a freeman, such overseer shall be liable and pay the whole forfeiture aforesaid; which shall be recovered by action of debt or information, in any county court of this dominion, with costs; one moiety thereof, to his majesty, his heirs and successors, for the use of the county wherein the offence shall be committed, towards lessening the levy thereof, and the other moiety to the person who shall inform or sue for the same. Penalty for tending seconds.

III. Provided nevertheless, That if any plants shall be destroyed by tempest, or otherwise, when growing, and thrown away without being cured, or housed, any person may tend seconds, or slips, upon the same stalks, without being liable to the penalty aforesaid. But where a plant is destroyed, and not housed, seconds may be tended upon the same stalk.

IV. And be it further enacted by the authority aforesaid, That every constable within this colony shall yearly, between the last day of July, and the tenth day of August, and between the twentieth day of August, and the tenth day of September, and at such other times as he shall think proper, repair to all the fields and places whereon tobacco shall be planted or tended, within his precinct, and diligently view the same, to discover whether any slips, or suckers, shall be turned out and tended, from the stalks, from which any tobacco plant hath been before cut, or taken; and Duty of constables in viewing tobacco grounds.

Of county courts, where the constable informs.

Penalty on hindering a view.

On constables tending seconds.

Constables shall be sworn.

Their oath.

Penalty for not taking the oath, or breach of duty.

Their allowance.

if he shall find any such, he shall make information thereof to the next court held for his county: Which court shall, and is hereby required, upon such information to them made, forthwith to direct and order the attorney, appointed to prosecute in such court for his majesty, to bring suit against such offender, for the forfeiture aforesaid: And if any owner, or overseer of a plantation, shall refuse to shew the constable all his tobacco grounds, or shall hinder or obstruct the officer in viewing the same, such owner or overseer, shall be liable for the whole forfeiture aforesaid, to be recovered and divided in the same manner: And if any constable shall turn out, or tend any slips or suckers, contrary to this act, he shall incur the like forfeiture, to be recovered and applied as herein before directed.

V. And be it further enacted by the authority aforesaid, That every constable shall, before some justice of peace of his county, take the following oath, to wit:

I A. B. do swear, That I will diligently and carefully view the several fields and places whereupon tobacco shall be planted and tended, within the precinct whereof I am constable, and will make true information of all persons within my precinct, whom I shall know to be guilty of the breach of any law of this colony, made against the tending of slips or seconds, to the next court held for my county, after the same shall come to my knowledge.

So help me God.

Which oath such justice is hereby impowered and required to administer: And if any constable shall refuse to take upon him the duty directed by this act, or taking the oath herein before directed; shall neglect his duty, or shall knowingly allow any person within his precinct to tend any seconds, slips, or suckers, without making information thereof, he shall forfeit one thousand pounds of tobacco, to be recovered and divided in the same manner as the other forfeitures in this act are directed to be,

VI. And that for encouraging the constables to perform their duty, one pound of nett tobacco shall be levied on every tithable in each county, and distributed to the several constables, in proportion to the number of tithables in their respective precincts; which the court of every county is hereby required to raise annually, and the county collector to pay, to the con-

stables to whom the same shall be due: But the justices shall not levy any tobacco for such constables as shall neglect to do their duty as required by this act.

VII. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, except so much of one act of assembly, made in the fourth year of Queen *Anne*, intituled, An act for improving the staple of tobacco, and for regulating the size and tare of tobacco hogsheads, as relates to the tending of seconds, shall be, and are hereby repealed. Repealing clause.

VIII. *And be it further enacted,* That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one. Commence-ment of this act.

CHAP. XXV.

An Act prescribing the method of proving book debts.

I. WHEREAS the trade of merchandize in this colony is chiefly carried on by retail, and the goods and merchandizes are often delivered to the buyer by the retailer himself, and it frequently happens that no body is privy thereto but the buyer and seller, so that in many cases there may be a defect of legal evidence to charge such buyer, and by that means a fair trader may be hindered from recovering a just debt; for preventing disputes and different opinions in the several courts of justice within this dominion, and for determining what shall be lawful evidence in such cases: Preamble.

II. BE it enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That in any action of debt, or upon the case, which hath been or shall be brought, where the plaintiff shall declare or has declared upon an *Emisset*, or *Indebitatus Assumpsit*, for goods, wares, or merchandizes by him sold, and delivered to any other person or persons, In what cases a store book may be given in evidence.

and upon the trial of such action, such plaintiff shall declare upon his corporal oath, or solemn affirmation, as the case may be, That the matter in dispute is a store account, and that he hath no means to prove the delivery of the articles therein contained, or any of them, but by his store book; in that case such book shall and may be given in evidence at the trial, if he shall make out by his own oath or affirmation, That such book doth contain a true account of all the dealings, or the last settlement of accounts between them, and that all the articles therein contained were *bona fide* delivered, and that he hath given all just credits due to the defendant, in such account; and such book and oath or affirmation, shall be admitted and received as good evidence, for any of the articles, for goods delivered within two years before the same action brought, but not for any article of a longer standing, unless the defendant shall have removed out of the county where he resided at the time of his contracting the debt, and then within three years before action brought: And where the person who delivered such goods, wares, or merchandizes shall die, his executors or administrators may give his store book in evidence, upon his or their making oath, that there are no witnesses to his or their knowledge, capable of proving the delivery of the goods, or merchandizes therein mentioned, and that he or they found the book so stated, and do not know of any credit to be given; and such book and oath shall be admitted and received as evidence, for any of the articles for goods delivered within the time aforesaid.

Limitation
of time.

Executors,
or adminis-
trators may
prove debts
in the like
manner.

III. But whereas it has been found inconvenient and hazardous by reason of bad weather and other accidents, to carry books of accounts at great distances to the general or county courts, when a copy of the account, proved in the same manner as by this law the book is to be proved, may satisfy the defendant as fully and effectually as if the book of accounts were produced in court at the trial of the cause, *Be it further enacted, by the authority aforesaid,* That a copy from the book of accounts, proved in the manner herein before directed, shall and may be given in evidence in any such action as aforesaid, and shall be as available as if such book had been produced; but where the book shall be by the defendant required to be produced at the trial, the defendant or his attorney, shall give

In what ca-
ses a copy
may be given
in evidence.

notice thereof to the plaintiff or his attorney, at the joining of the issue, and in that case no such copy shall be admitted or received as evidence.

IV. *Provided nevertheless*, That the defendant shall be at liberty to contest the plaintiff's evidence, and to oppose the same by other legal evidence; and where the defendant shall be an executor or administrator, his testator's or intestate's book, shall and may be given in evidence, against the plaintiff's book, where the plaintiff is an executor or administrator.

But the defendant may contest such proof.

V. *Provided also*, That no book of accounts, although the same may be proved by witness or witnesses, shall be admitted or received as evidence, in any action for goods, wares, or merchandizes delivered, or for work done, above five years before the same action brought, except in case of merchants residing in Great Britain, or in other parts beyond the seas.

No book of accounts shall be admitted after five years, except for foreign merchants.

V. *And be it further enacted by the authority aforesaid*, That one act made in the fifth and sixth years of his present majesty's reign, intituled, An act prescribing the method for proving book debts, shall be, and is hereby repealed.

Repealing clause.

VII. *And be it further enacted*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

Commencement.

CHAP. XXVI.

An Act concerning Water Mills.

I. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly*, and it is hereby enacted by the authority of the same, That where any person, intending to build a water mill, on some convenient run, shall have land only on one side thereof, such person shall petition the court of that county wherein the land on the other side such run shall lie, for one acre to be laid off for such use, which court is hereby authorised and required, upon such petition, at the costs and charges of the petitioner,

The method of proceeding upon petition for an acre of land.

to issue their order to the sheriff, commanding him to summon a jury of twelve freeholders of the vicinage, to meet upon the land petitioned for, who being met and duly sworn before a magistrate, or the sheriff, shall diligently view and examine the said land, and the lands adjacent thereto, on both sides the run, in the same or the next county, which may be affected or laid under water by building such mill, together with the timber and other conveniencies thereon, and shall report the same, with the true value of the acre petitioned for, and of the damages to the party holding the same, or to any other person or persons, under their hands and seals; which report shall be returned by the sheriff, to the court whence such order issued, and if thereupon it appears reasonable to such court, and if it take not away houses, orchards, or other immediate conveniencies, then they may, and are hereby authorised and impowered, to grant such acre to the petitioner, and order the return to be recorded, which shall be a good and effectual seisin in law, and upon paying down the valuation money of the land and damages, reported by the jury, to the person and persons legally intitled thereto, shall create a fee-simple in the said acre of land, to such petitioner or petitioners, his, her, or their heirs and assigns.

Condition of holding such acre.

II. *Provided nevertheless*, That the person so put in possession shall, within one year afterwards, begin to build, and within three years finish a water mill, and continue to keep the same in good repair, for public use; otherwise such acre shall revert to the former proprietor, from whom the same was so taken, his or her heirs.

Parties injured, may sue for damages.

III. *Provided also*, That where any water mill shall be built, pursuant to the directions of this act, and any person or persons shall conceive him, her, or themselves to be injured by the building of such mill, it shall and may be lawful for the party injured, to bring his or her action on the case, against the owner or owners of such mill, any thing herein contained to the contrary, or seeming to the contrary, in any wise, notwithstanding.

Saving to persons under legal disabilities.

IV. *Provided also*, That where any water mill shall belong to any person being within the age of one and twenty years, *feme covert non compos mentis*, or imprisoned, and shall be discontinued, burnt, or destroyed

by tempest, every such person, his or her heirs, shall have liberty to rebuild or repair within three years after such disabilities removed.

V. And whereas some persons may have built water mills on a point of land of their own, in the fork of a swamp, between two runs, and extended their dams each way cross both runs, to lands in which they had only an estate tail, and have sold the same, with an acre at each end of the said dams, and though each of the acres aforesaid are really opposite to the land of such builders, yet it has been doubted, whether the court upon application, could confirm the purchaser, in a fee simple in each of the said acres: And forasmuch as such cases are within the equitable intent, and construction of this act, *Be it therefore further enacted, by the authority aforesaid,* That the court of the county where the said acres lie, shall, and they are hereby required, on the petition of the purchaser, to enquire into the facts, and if it appear to them, that the purchaser hath paid a valuable consideration for the said acres, they shall record the title of the purchaser, confirmed in fee simple thereto; or if in their opinion, a sufficient consideration is not already paid, they shall at the costs and charges of the petitioner, issue their order to the sheriff, to summon a jury as is herein before directed, who being duly qualified, shall view, value, and report under their hands and seals, how much more the petitioner ought to pay, and the court shall record such report, and that the petitioner's title to the said acre, at each end of the dam, is confirmed to him in fee simple, on his paying down to the party or parties entitled thereto, the sum so reported, if any be found due, which proceeding shall be a good and effectual seisin in law, to the petitioner, and shall create a fee simple in the said two acres, to such purchaser, his, her, and their heirs forever, subject nevertheless to the provisos, conditions, and limitations of this act: And if the bounds of the said two acres are not ascertained in the deed of purchase, the jury appointed to value as aforesaid, or any two members of the court, or other persons whom the court shall appoint, shall fix and ascertain the same, by marks on the land, and express the same in writing, under their hands and seals, which shall be recorded in court, and be sufficient to fix and ascertain the bounds thereof.

Provision in special cases where entailed land has been sold.

Mills burnt, or destroyed, shall be rebuilt within three years.

VI. And that if at any time any mill, now built, or hereafter to be erected, shall happen to be burnt, carried away by water, or any way destroyed, the proprietor being under none of the disabilities herein before provided for, shall have the same time allowed to rebuild and repair such mill, as is there allowed for the first building thereof.

No mill shall be hereafter built without leave of the county court.

VII. And that no person or persons whatsoever, after passing this act, shall erect any mill, notwithstanding he, or she, has land on both sides a creek or run, and although there be no other mill standing thereon, without petition first exhibited to the county court, who are to consider, whether the adjacent lands of other persons may or will be affected thereby, and in that case to order a jury to value the damages, and make report thereof, in manner herein before directed, and thereupon to grant or reject such petition: But where the petitioner's land extends so far, on both sides, as not to affect or overflow the land of any other person, the court may, if they see cause, grant leave to the petitioner for erecting such mill, without ordering any jury.

Cases not within this act.

VIII. *Provided always,* That this act shall not extend to mills heretofore built, nor to mills now begun though not yet finished, but that the owners thereof shall be and continue possessed of the same, under their respective legal titles, as if this act had never been made: And where any mill has been built, and is now standing, and the owner thereof, through ignorance or mistake, hath not exactly pursued the method prescribed by the law in force when such mill was built, in respect to an acre of land adjoining, the court of the county wherein such acre lies, shall, upon petition of such owner, order and appoint two of their members to value the acre petitioned for, without having regard to any of the adjacent lands affected by such mill, and upon the petitioner's paying down the valuation money, to the party entitled thereto, he shall have a fee-simple estate in such acre of land: But, in both these cases, such estate shall be subject to the conditions and limitations of this act.

Miller's duty and toll.

IX. *And be it further enacted, by the authority aforesaid,* That all millers shall well and sufficiently grind the grain brought to their mills, and in due turn as the same shall be brought, and may take for toll, one eighth part of all grain and no more: And every miller,

or occupier of a mill, who shall not well and sufficiently grind as aforesaid, or not in due turn, or take or exact more toll, shall for every such offence, forfeit and pay fifteen shillings to the party injured, recoverable with costs before a justice of peace, of the county where such offence shall be committed: and where the miller shall be an imported servant, or slave, he shall upon the first conviction, for such offence, receive thirty lashes, and upon a second conviction forty lashes on his bare back, well laid on, in lieu of the forfeiture aforesaid; but upon a third conviction, his master or owner shall be liable to pay fifteen shillings, and so for every such offence, by such servant or slave afterwards committed: *Provided always*, That every owner or occupier of a mill may grind his, or her own grain at any time.

Punishment if he offends

Where a servant or slave is miller.

Privilege of owners of mills.

X. And that every owner or occupier of a mill shall keep therein sealed measures, of half bushel, and peck, and a toll dish sealed, and shall measure all grain by strike measure, under penalty of paying fifteen shillings, for every such failure, recoverable with costs, by the informer, before a justice of peace, of the county wherein such mill shall be; and if the miller be a slave, or servant, his master or owner shall be liable to the penalty, or if the owner of such mill shall not live within the same county, nor have any known attorney therein, the appearance of such servant or slave, before the justice to whom such complaint shall be made, shall be sufficient for him to proceed against the master or owner; but if he or she, his or her known attorney, lives in the county, his or her appearance shall be required.

Sealed measures shall be kept in every mill under a penalty.

XI. *And be it further enacted, by the authority aforesaid*, That no owner or occupier of a mill shall keep any hogs at his or her mill, except in inclosures, unless such owner or occupier shall have fifty acres of land at the least, adjoining to such mill; and if any hogs, belonging to the owner or occupier of such mill, shall be found running at large, it shall and may be lawful for the proprietors of the land adjoining to such mill, to kill, or cause to be killed or destroyed, all such hogs.

Who may not keep hogs at large at his mill.

XII. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any

Repealing clause

matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act.

XIII. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.*

CHAP. XXVII.

An Act for appointing public store houses, and ascertaining the prices of storage.

The method of appointing public warehouses and landings.

I. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the respective courts of every county, lying upon any river or creek within this colony, may, upon application to them made, order and appoint such place or places, within their respective jurisdictions, as to them appear necessary and convenient for the landing, shipping off, and transportation of goods and merchandizes, to be hereafter held and accounted public landings, and where a store house or ware houses are not already erected at, or convenient to such landings, the court shall order such house or houses to be forthwith erected and built, by the respective proprietors of the land, at his and their own expence, for the commodious reception, safe keeping, and convenient shipping off, or transportation of all goods and merchandizes whatsoever, brought thither by land or water; and such houses so built, or already erected, shall thereafter be held and accounted public store houses, and all and every other place and places, house and houses, heretofore used for the same purposes, shall thereupon be discontinued, and no longer reputed or held as public store houses, or landings; and that a copy of every such order shall be by the sheriff delivered to the respective proprietors of the land, so appointed, his or her attorney, or agent, or left at his or their usual place of abode, and the day*

and place of serving the same, shall also, by the said sheriff, be returned to the next succeeding court held for his county, and recorded; and where good and convenient store houses shall not be already built at any place so appointed, the proprietor thereof shall, within twelve months after such order made, cause such house or houses to be erected and kept.

Proprietor of the land shall build, within twelve months.

II. *And be it further enacted, by the authority aforesaid,* That if any owner or owners of any house now built, and used for a public store house, or the owner or owners of any land, appointed by any of the said county courts for a place whereon to build a public store house, his, her, or their guardian, or guardians, attorney, or attorneys, shall refuse to suffer, or let such house be made use of, for the purpose aforesaid, or to build a good and convenient store house on the place, appointed by such county court, for the same to be built on, within one year after the time of such appointment made, that then and in such case, upon the petition of some freeholder or freeholders, of the county where the said house is, or land lies, it shall be lawful for such county court, and they are hereby required to order and appoint, three or more good and lawful men of their county, upon their oaths, to value and appraise the said house so appointed, together with half an acre of land next adjoining thereto, or to value and appraise half an acre of land, so appointed for a place whereon to build a store house: which valuation shall be returned to the said court, and there recorded, and thereupon it shall and may be lawful for the said court, to give liberty to any person to build or keep a store house thereon, and he, upon his paying down the valuation money, or lawfully tendering the same to the owner, shall be, and is hereby declared to be seised in the said house, and half acre of land, or in the said half acre, to him and his heirs for ever: upon condition, that he, his heirs and assigns, keep and maintain upon the said half acre of land, such a convenient store house as the said county court shall, from time to time, direct and appoint, or otherwise the said half acre of land to revert to the former proprietor thereof, his heirs and assigns, or to such other person as will build and maintain a sufficient store house thereon: *Provided always,* that the house so to be appointed, from time to time, by such county court, be not a dwelling house, or any out house,

Further proceedings where the proprietor refuses to let or build.

Conditions of holding a public store-house and land.

Provisos.

rice, or building, to a dwelling house contiguous and belonging, or appertaining, and that the half acre of land, so appointed for building a store house thereon, be not, at the time of such appointment, the garden, orchard, or court yard, to any dwelling house belonging or appertaining.

Provided also, That where any store houses shall be built by such other person as aforesaid, and the first proprietor of the land shall desire to have the same again, such proprietor, on payment of so much money, as shall be sufficient to reimburse the said purchaser, the principal money expended for the purchase of the land, and the building such store houses, with lawful interest, shall be restored to his former estate, in the land whereon such store houses shall be built.

Provided also, That the proprietor of such half acre, appointed for building a store house, having no land adjacent, shall keep no hogs or other stock upon the said half acre, but what shall be constantly kept within a sufficient fence, upon the said half acre, on penalty of paying five shillings current money, for every head of horses, mares, cattle, sheep, goats, hogs, shoats, or pigs to him belonging, that shall at any time be found at large upon any of the adjacent lands, to be paid to the owner of such lands, and cognizable by a justice of peace of the county where the trespass shall be committed.

III. *And be it further enacted, by the authority aforesaid,* That every such public store house so appointed shall be constantly kept, and maintained by the proprietor thereof, for the receiving tobacco, and other goods and merchandizes, and that there shall be paid and satisfied to such proprietor, by the owner or owners of such goods lodged therein, for the storage thereof, the rates and prices following: For every hogshead of tobacco, brought to any store house above the falls of any river, eight pence; for every cask, containing sixty gallons or upwards, and every bale or parcel of the like or greater bulk, twelve pence for the first day, or three months, and one penny for every month afterwards; and for every cask under sixty gallons, and every bale or parcel of less bulk than a sixty gallon cask, six pence, and one penny respectively, as aforesaid; for salt, or grain, not pack'd in cask, after the rate of one penny per bushel,

Rates of storage.
page.

and so proportionably for a lesser or greater quantity, for the first day or three months, and one farthing for every month afterwards; and for every bar or pig of iron, one half penny; and every parcel of salt, or grain, brought loose and unpacked, shall be kept in separate heaps or parcels, unmixed with any other, and the whole thereof shall be delivered as received: And if it shall have really lost any of its quantity, by melting, or by rats, or other unavoidable accidents, the owner of such goods shall bear the loss, unless it exceed five per cent, if taken out within three months, and if it lie longer, one per cent. per month afterwards, not exceeding ten per cent. in the whole: which said several rates of storage shall be paid, and satisfied, before removal or delivery of the goods; but no storage shall be demandable for goods lodged in any other than a public store house, appointed in pursuance of this act: And if any person not being proprietor or keeper of such public store house, shall presume to demand or receive any storage whatsoever, or other reward, for goods landed or lodged within one mile of a public store house, and on the same side of the river or creek, every person so offending, shall forfeit and pay five pounds current money, for every such offence, to the informer, recoverable with costs, by action of debt or information, in any county court of this dominion.

Allowances
for shrink-
age.

Penalty up-
on taking
storage for
goods except
in a public
store-house

IV. *And be it further enacted by the authority aforesaid,* That every proprietor of a public store house, who shall refuse to take in any tobacco, goods, or merchandizes, brought to such house, shall be liable to satisfy and pay, to the party injured, all damages by him or her sustained thereby, and shall also be liable to the action at the common law, for damages happening to goods in his, or her custody, or which shall be lost out of such store house, for want of due care: And that the owner or keeper of every store house shall, at the time of receiving any goods or merchandizes, give a receipt in writing, to the person or persons delivering the same, wherein shall be particularly mentioned, the marks, numbers, and condition, of the several sorts of goods by him, or her received; which receipt shall be fairly entered in a book to be kept for that purpose, by the owner or keeper of every store house: And if he, or she shall fail to make a fair entry as aforesaid, or shall refuse to give

Store-house
keeper an-
swerable for
goods lost or
damaged.

And shall
give
receipt of
the particu-
lars, and
keep a book
of entries.

Penalty on
failure or
refusal.

a true copy of such receipt, when required, he or she, in either case so offending, shall forfeit and pay twenty shillings, to the informer, for every such failure or refusal, to be recovered, with costs, before any justice of peace of the county wherein such offence shall be committed.

Repealing
clause.

V. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commence-
ment.

VI. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XXVIII.

An Act concerning Highways, Mill Dams, and Bridges.

Highways
shall be thirty
feet wide,
at least.

I. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the several county courts of this dominion have, and shall have power, by their order, from time to time, to direct the alteration of public roads already made, or hereafter to be made, and the making new roads in such places as to them shall seem convenient, for passing to, and from the city of Williamsburg, the court house of every county, the parish churches, and all public mills, and ferries: And that all such roads and highways now made, or hereafter to be made, shall at all times be kept well cleared, from woods, bushes, and other obstructions, and all roots well grubb'd up, thirty feet broad at the least; and that if any person shall fell any tree or trees into such highway, or cause the same to be felled, and not cut and carried away within forty eight hours, or shall kill any tree, or trees, within the distance of sixty feet

Well cleared
grub'd,
and kept
Penalty on
selling or
killing trees,
near the
road, or fenc-
ing into it.

from such highway, or cause the same to be killed, and not felled, or shall make any fence into such highway, such person shall for every such offence, forfeit and pay ten shillings current money, to the informer, recoverable with costs, before a justice of peace, of the county where such offence shall be committed:

Provided that when an application shall be made to any county court, to have a new road cleared, or to have any former road altered, such court shall appoint three, or more fit and able persons, to view the lands whereon the said roads are proposed to be cleared, or altered, who, upon oath taken before a justice of the peace, faithfully and impartially to perform the said service, shall make report to the next court, of the conveniencies and inconveniencies of the said intended road, or alteration.

County courts have jurisdiction of making or altering any road.

II. *And be it further enacted by the authority aforesaid*, That where it shall be necessary and convenient to make and clear a road in one county, to some public place in another county, and a road shall accordingly be made and cleared, by order of the justices of either of the said counties, as far as their county extends, the justices of every such adjacent county shall, and are hereby required, to cause a convenient road to be made and cleared through their county, to such public place: And if the justices of such adjacent county shall fail or refuse so to do, they shall forfeit and pay to the justices of such other county, two thousand pounds of tobacco, for every such failure, or refusal, to be recovered by action of debt, or information, in the general court, and to be by the said justices applied, to the use of their county, towards lessening the levy thereof.

Where a road is necessary from one county into another, both shall join.

Penalty on refusal.

III. *And be it further enacted, by the authority aforesaid*, That every county court shall divide the public roads of their county into precincts, and annually, between the last of April, and first day of August. and at any other time when they shall think it necessary, appoint a surveyor of each precinct, and the tithables who shall attend each surveyor respectively: And if any county court shall fail so to do, the justices thereof shall forfeit and pay two thousand pounds of tobacco, to the informer, recoverable with costs, in the general court as aforesaid: And all male labouring persons, being tithable, shall when required attend such surveyor, and assist him in laying out, clearing,

How and when surveyors of Highways, and labourers thereon, shall be appointed.

Penalty on failure:

On persons not attending, or not assisting the surveyor.

Where legal disability or exemption may be allowed. Surveyor's forfeiture, if he fails.

How bridges shall be made and kept.

and repairing the roads in his precinct, except such who are masters of two or more tithable male labouring slaves, who are hereby declared exempted from personal service, or attendance: But every other tithable free male labouring person, failing to attend with proper tools, when required by such surveyor, or refusing to work when there, or not providing and sending another person to work in his room, for every such failure or refusal, shall forfeit and pay five shillings; and the master or owner of tithable male labouring servants, or slaves, shall be liable to the like penalty of five shillings, for every such tithable he shall fail to send when required as aforesaid; and if any surveyor shall fail to send his own male labouring tithables, he shall forfeit and pay five shillings, for every tithable he fails to send; which said penalties shall be to the informer, and recoverable with costs, before a justice of peace of the county where such offence shall be committed: But where legal cause of disability to attend shall be shewn, the justice may allow thereof, and dismiss the defendant; and also where any person or persons are or shall be by law exempted from services upon the highways, such exemption shall be allowed: And if any surveyor so appointed shall fail to perform his duty, as by this act required, he shall forfeit and pay fifteen shillings current money, for every such failure, to the informer, recoverable with costs, before a justice as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That where bridges shall be necessary, every surveyor of the highways, and his assistants, shall and may make the same in his precinct, twelve feet broad, at the least, level and passable, which shall be kept in repair, from time to time, and for that purpose he may cut and take, from off the lands of any person next adjacent to such bridge or place, such, and so much timber only, as shall be necessary for that use: which shall be first viewed and valued by two honest house-keepers, upon oath, appointed and sworn by some justice of the county where such timber shall be cut, and the court of the same county shall, in the next county levy, allow the owner according to such valuation, upon a certificate from the said two house-keepers to them produced: And where a bridge shall be necessary over any place, where the

surveyor with his assistants cannot make it, the court of that county wherein such place shall be, is hereby empowered and required, to contract and agree for the building and repairing thereof, and to levy the charge in their county levy: And where bridges or causeways are or shall be necessary from one county to another, the court of each such county shall join in the agreement for building or repairing the same, and the charge thereof shall be defrayed by both counties in proportion to the number of tithables in each: And if the justices of any county, adjoining to such place over which a bridge or causeway hath been or shall be wanting and necessary, shall refuse to join in such agreement with the justices of the county on the other side of such place, for building, rebuilding, or repairing such bridge, or causeway, and to levy their proportion of the charge thereof in their county levy, the justices of the county so refusing, shall forfeit and pay two thousand pounds of tobacco, to the justices of the county proposing such agreement, to be by them recovered, by action of debt, or information, in the general court, and applied to the use of their county, towards lessening the levy thereof: but such recovery shall not discharge the justices refusing, nor the other justices of that county, from the obligation of levying and paying such proportion afterwards, in their county levy, in the same manner as if such recovery had not been obtained.

Penalty on justices refusing to join in building a bridge, where necessary.

V. *And be it further enacted, by the authority aforesaid,* That all and every contract, agreement, and order, by the justices of any county court of this colony, entered into or made, for or concerning the building or repairing bridges, making causeways, and other necessary charges, in such manner as to them shall seem most proper, shall be good and available against themselves, and their successors.

Contracts of county courts shall bind them and their successors.

VI. *And be it further enacted by the authority aforesaid,* That if any mill dam, over which any public road leads, or the bridge, passage of the pierhead, floodgates, or waste over the same, shall be of less breadth than twelve feet at top, for the whole length of the dam, bridge or passage, the owner or owners, occupier or occupiers of such mill, shall forfeit and pay twenty shillings for every such offence, recoverable with costs, before any justice of peace, of the county wherein such mill dam shall be, one moiety to

Mill dams must be 12 feet wide, at top.

Penalty on failure.

Bridges and passages over mill dams to be railed in.

Exceptions.

the use of the informer, and the other moiety to the churchwardens of the parish in which such mill shall be, to the use of their parish: And every owner or occupier of a mill shall cause strong rails to be set up, and kept in repair, on each side of such bridge, passage, floodgates, or waste, under the like penalty.

VII. *Provided always*, That if any mill dam, or the floodgates, or pier-head, shall happen to be destroyed or carried away by tempest, or other accident, the owner or occupier thereof shall not be liable to any of the said penalties, until one month after such mill hath ground one bushel, at least, of Indian corn, or other grain, for toll. And that where any bridge, over the passage, floodgates, or waste, is already built, ten feet wide, with strong rails to the same, such bridge shall be sufficient so long as it shall be in good repair.

At every cross road, a stone or post with directions, shall be set up.

And kept in repair. Penalty on the surveyor if he fails.

On persons who destroy, or deface such,

VIII. *And be it further enacted, by the authority aforesaid*, That where two or more cross roads or highways meet, the surveyor thereof shall cause to be erected, and kept in repair from time to time, in the most convenient place where such roads join, a stone or post, with plain inscriptions thereon, in large letters, directing to the most noted place to which each of the said joining roads leads; and it shall be lawful for the said surveyor to take any trees or wood, not being timber, from any adjacent lands, for setting up such post: And the expence he shall be at in setting up the same, with inscriptions thereon, and keeping them in repair, shall be reimbursed, and paid by the county, at their next levy after such service performed: And if any surveyor shall neglect or refuse to cause such stone, or post to be set up, or shall not cause them and the inscriptions to be repaired, or renewed, from time to time as shall be necessary, he shall forfeit and pay fifteen shillings for every month such stone or post shall be wanting, to be recovered and applied in the same manner as the penalty for not keeping the roads or highways in repair: And if any person shall presume to cut, pull up, destroy, or deface any such stone or post, or the inscriptions thereon, and be thereof convicted, by confession, or the oath of one or more credible witnesses, before a justice of peace of the county where such offence shall be committed, he or she shall forfeit and pay twenty shillings current money, for every such offence, to

the informer for his own use, recoverable with costs, before the same justices; but where the informer shall be a witness, sworn upon the trial, in that case the penalty shall be to the use of the county, towards lessening their levy; and in default of present payment the offender shall, by order of such justice, receive twenty lashes on his or her bare back, well laid on.

IX. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed. Repealing clause.

X. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one. Commencement of this act.

CHAP. XXIX.

An Act for clearing Rivers and Creeks.

I. WHEREAS many of the rivers and creeks of this colony are stopped and choaked up by stones, trees, stumps, and rubbish therein, and by hedges, weirs, or stone stops, in or cross the same, whereby the passage of boats, and other vessels, and of fish, is obstructed, to the great damage of the inhabitants of this colony, and hindrance of trade and commerce. Preamble.

II. *Be it therefore enacted by the Lieutenant Governor, or, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That where any river or creek shall be in one county only, the court of such county shall be, and is hereby impowered and required, to contract and agree with any person or persons they shall think fit, to clear the same as far as it shall be passable for loaded boats, if such obstructions were removed, and to levy so much tobacco, in their county levy, as shall be sufficient to discharge such agreement: And where any river or creek in this colony shall divide two or County courts shall contract with undertakers to clear rivers and creeks.

Exceptions.

more counties, the court of every such county shall join in such agreement, and levy the charge thereof in proportion to the number of tithables in each county: *Provided always*, That nothing herein contained shall be construed to oblige any county court, or courts, to contract for removing rocks, or such obstructions in any river or creek as cannot be removed without the force of gun-powder: And also, that the courts of the counties adjoining to the rivers Maherin, Nottoway, Roanoke, and Rappahanock, above the falls thereof, shall not be obliged by this act to contract for the clearing the said rivers, or any of them.

Penalties on setting weirs, or felling trees into a river, or creek.

III. *And be it further enacted by the authority aforesaid*, That if any person shall set, or cause a weir to be set, in any river or creek, passable as aforesaid, and shall not cause the stakes thereof to be taken up again, as soon as the weir becomes useless, he or she shall forfeit and pay fifteen shillings current money, to the informer, recoverable before a justice of peace: And whosoever shall fell any tree or trees, or cause the same to be felled into any river or creek, or any run whereon there is or shall be erected any public bridge or bridges, within this colony, and shall not cut and carry away the same, within the space of forty-eight hours after such felling, shall forfeit and pay fifteen shillings, for every tree so felled, and not cut and carried away, to be recovered before a justice of peace of the county where such offence shall be committed, and shall be to the use of the informer.

Or hedges, or stone stops.

IV. *And be it further enacted, by the authority aforesaid*, That all hedges, or stone stops, already made cross any river, creek, or run, shall be taken up and destroyed by the person or persons who made or placed the same; and that for the future no hedge, or stone stop, that in any wise obstruct the course or passage of the said rivers, creeks, or runs, or any of them, shall be placed or set therein; and it shall be lawful for any person or persons whatsoever, at any time, to pull up or destroy all such hedges, or stone stops: And every person who shall not pull up and destroy any and every hedge, or stone stop, by him already set up or made, or who shall hereafter presume to set up or make any such, in any river, creek, or run, as aforesaid, shall forfeit and pay one thousand pounds of tobacco, for every such offence; and if after conviction, the person or persons so offending

shall suffer such hedge, or stone stop to continue, and not pull up and destroy the same, he, she, or they, shall forfeit and pay two hundred pounds of tobacco, for every week the same shall be suffered to remain, both which forfeitures shall be recoverable, with costs, by action of debt, in any court of record of this dominion, wherein the same shall be cognizable, one moiety thereof to the informer, and the other moiety to the king, his heirs and successors, for the use of the county wherein such offence shall be committed, towards lessening such county levy.

V. *Provided always*, That nothing herein contained shall be construed to extend to any mill built upon a river above navigable water, or to any mills already built, or that hereafter shall be built, pursuant to the laws relating to water mills: *Provided also*, That nothing herein contained shall be construed to restrain any person, having land on both sides of a creek to the head thereof, to set hedges or stops, or to use and occupy the same, as he or she might have done if this act had never been made, so that there is no public landing above the said hedges and stops. Mills excepted.
And owners of land on both sides a creek, to the head.

VI. *And be it further enacted, by the authority aforesaid*, That all and every other act and acts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed. Repealing clause.

VII. *And be it further enacted, by the authority aforesaid*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one. Commencement.

CHAP. XXX.

An Act for regulating Ordinaries, and restraint of Tipling Houses.

I. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same*, That every person intending to set up or keep an The method of obtaining licence to keep ordinaries.

Material
considera-
tions.

ordinary, or house of public entertainment, shall first petition the court of that county wherein such ordinary is intended to be, and obtain a licence for keeping the same: And the justices of the court, to whom such petition shall be exhibited, shall thereupon consider the convenience of the place proposed, and the ability of the petitioner to keep good and sufficient houses, lodging, and entertainment for travellers, their servants and horses; but the court shall not, under pretence of keeping any poor person from being chargeable to the parish, licence any such person to sell liquors, to the prejudice of the neighboring inhabitants: And if such petition shall appear reasonable, such court is hereby authorised, and may if they think fit, grant the petitioner a licence to keep ordinary, for the term of one year next ensuing the date of such licence, and from thence 'til the next court held for the same county, and no longer; which licence shall be signed by the first justice sworn in the commission of the peace for such county, and may, upon petition, be renewed from year to year, if the court shall think fit.

II. *Provided always*, That before issuing such licence, the court shall cause the petitioner to enter into bond, with sufficient security, to the effect following, That is to say.

Ordinary
keeper's
bond.

Know all men by these presents, That we A. B. and C. D. are held and firmly bound unto our sovereign lord king George, the second, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. in the sum of fifty pounds current money, to which payment to be made to our said sovereign lord the king, his heirs and successors, We bind ourselves, and every of us, our, and every of our heirs, executors, and administrators, jointly and severally, by these presents. Witness our hands and seals this day of

The condition of this obligation is, That whereas the above bound A. B. hath obtained a licence to keep an ordinary, at in the county of if therefore the said A. B. doth constantly find and provide, in his said ordinary, good, wholesome, and cleanly lodging and diet for travellers, and stableage, fodder, and provender, or pasturage, and provender, as the season shall require, for their horses, for and during the term of one year from the day of the date

of these presents, and from thence until the next court held for the said county of _____ and shall not suffer or permit any unlawful gaming, in his house, nor on the sabbath day suffer any person to tipple and drink any more than is necessary, then this obligation to be void, otherwise to remain in full force.

And for every such licence the petitioner shall pay *Licence fee.* thirty five shillings current money, for the use of the governor, or commander in chief of this colony, for the time being, before obtaining the same.

III. *And be it further enacted, by the authority aforesaid,* That the justices of every county court of this dominion shall annually, in March court, or if no court be then held, at their next succeeding court, set the rates and prices to be paid at ordinaries, for liquors, diet, lodging, provender, stableage, and fodder, and pasturage, upon penalty of forfeiting and paying twenty five pounds current money: And every ordinary keeper shall, within one month after the rates so set, obtain of the county court clerk, a fair table of such rates, which shall be openly set up in the public entertaining room of every ordinary, and there kept throughout the year, until the rates shall be again set by the court, and then a copy thereof shall be again *Rates of liquors to be annually set by the court.* so obtained, and kept from time to time, under penalty of ten pounds current money *And set up in every ordinary.* on every ordinary keeper failing so to do: And if any ordinary keeper shall demand and take greater prices for any drink, diet, lodging, fodder, provender, or pasturage, than by such rates shall be allowed, he or she so offending shall forfeit and pay ten shillings for every such offence, to the informer, recoverable with costs, before a justice of peace of the county wherein such ordinary shall be. *Penalty on failure.*

IV. *And be it further enacted by the authority aforesaid,* That if any person shall presume to keep a tipling house, or retail liquors, or sell by retail any wine, beer, cider, brandy, rum, or other spirits, or any mixture of such liquors, in any house, booth, arbour, stall, or any other place whatsoever, without licence first obtained as aforesaid, he or she so offending shall forfeit and pay ten pounds current money, *And on retailing of liquors, without licence.* or on failure of present payment, or security for payment within six months, the party so convicted shall, by order of the court before whom such conviction *Offender failing to pay the forfeiture, shall be whipped.*

shall be, receive on his or her bare back, twenty-one lashes, well laid on, at the public whipping post.

Merchants
exempted.

V. *Provided always*, That nothing in this act contained shall be construed to prohibit any merchant, or person keeping store for sale of merchandise, from retailing liquors, so as such liquors be not drank, or intended to be drank, at the house, store, or plantation where the same shall be so sold.

Two justices
(one quorum) may
suppress ordinaries
where
gaming or
tipping, &c.
is permitted.

VI. *And be it further enacted, by the authority aforesaid*, That if any ordinary keeper shall in his house permit unlawful gaming, or suffer any person or persons to tittle in his house, or drink any more than is necessary, on the Lord's day, or any other day, set apart by public authority for religious worship, or shall harbour or entertain any seaman, or servant, contrary to this act, it shall be lawful for any two justices of peace, one being of the quorum, of the county where such offender lives, upon their own view and knowledge, or upon information and oath of one or more credible witnesses, to suppress such ordinary until the next succeeding court, and upon certificate of such offence made by the said justices to such court, and further inquiry, the court may disable such offender from keeping ordinary thereafter, until they shall think fit to grant him a new licence, or may restore him to keep ordinary upon his former licence, as they shall see cause: And if any ordinary keeper shall presume to sell or retail any liquor, after he has been so suppressed by two justices, and before he is restored by the court, he or she shall be liable to all the penalties by this act laid upon persons retailing liquors without licence.

In what cases, debts, or obligations for retail liquors shall be void.

VII. And that if any ordinary keeper shall sell drink to any sailor in actual pay on board any ship, upon credit, for any value whatsoever; or if he, or any other person, shall sell any liquors by retail, exceeding twenty shillings current money, or the value thereof, in any one year, to any person or persons, upon credit; or if any ordinary keeper shall take obligation, or other specialty, for any sum, or quantity of tobacco whatsoever, for liquors retailed or sold upon credit, he or she shall not recover any money, tobacco, or other commodity, for liquors so sold upon credit, but every such debt, obligation, or specialty, shall be void; and if any warrant, petition, writ, or bill be prosecuted or exhibited against any person for

Process thereon to be dismissed, with double costs.

the same, such warrant, petition, writ, or bill, shall be dismissed, and the defendant shall have double costs.

VIII. And that if any ordinary keeper shall sell any liquor whatsoever, upon credit, to any sailor in actual pay on board any ship, or other vessel, or shall harbour, entertain, or sell drink to any such sailor, without licence from the master of the ship, or vessel, to which the sailor belongs, such ordinary keeper shall for every such offence, forfeit and pay ten shillings to the master of the ship, or vessel, recoverable with costs, before any justice of peace of the county wherein such ordinary keeper lives.

Penalty on Ordinary Keepers entertaining or selling drink to sailors in pay on board.

IX. And that all penalties and forfeitures by this act given or laid, and not herein before appropriated, shall be, one moiety to the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to the informer, recoverable with costs, in any court of record of this dominion, having legal cognizance thereof.

How the penalties may be recovered and appropriated.

X. *Provided nevertheless*, That this act shall not extend to the ordinary keepers of the city of Williamsburg, giving credit to any person whatsoever, during the times of general assemblies, or courts of justice, any thing aforesaid to the contrary, notwithstanding.

Ordinaries in Williamsburg, excepted.

XI. *And be it further enacted, by the authority aforesaid*, That the court of Hustings, within the city of Williamsburg, shall from henceforth have the sole power of granting licences to ordinary keepers within the said city: And that the courts of the counties of York, and James city, shall not exercise any jurisdiction in that matter, as hath been formerly done. *Provided always*, That such licences be granted in the manner by this act directed: And the justices of the said court of Hustings shall have the same powers and authorities, both as to granting licences, and regulating and suppressing ordinaries, as the justices of any county court within this colony have, or may exercise.

And shall be under jurisdiction of the court of Hustings.

XII. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Repealing clause

Commence-
ment of this
act.

XIII. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.*

CHAP. XXXI.

An Act for preventing excessive and deceitful Gaming.

All gaming
debts void.

I. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted; by the authority of the same, That all promises, agreements, notes, bills, bonds, judgments, mortgages, or other securities, or conveyances whatsoever, made, given, granted, drawn, or entered into, or executed by any person or persons whatsoever, before or after passing this act, where the whole, or any part of the consideration of such promise, agreement, conveyances, or securities, shall be for money, or other valuable thing whatsoever, won, laid, or betted, at cards, dice, tables, tennis, bowls, or any other game, or games whatsoever, or at any horse race, cock-fighting, or any other sport or pastime, or on any wager whatsoever, or for the reimbursing or repaying any money, knowingly lent or advanced for such uses, to any person or persons whatsoever, or lent or advanced at the time and place of such play, horse-racing, cock-fighting, or other sport or pastime, to any person or persons so gaming, betting, or wagering, or that shall at such time and place, so play, bett, or wager, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever, any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.*

Real estate,
incumbered
by gaming,
shall devolve
to the next
heir.

II. *And that where such mortgages, securities, or other conveyances shall be of lands, tenements, or hereditaments, or shall be such as incumber or affect the same, such mortgages, securities, or other conveyances shall endure and be, to and for the sole use and*

benefit of, and shall devolve upon, such person and persons as should or might be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances, had been made to the person or persons so to be entitled after the decease of the person or persons so incumbering the same: And all grants or conveyances made, or to be made, for the preventing of such lands, tenements, or hereditaments from coming to, or devolving upon such person or persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect, to all intents and purposes whatsoever.

III. *And be it further enacted, by the authority aforesaid,* That if any person or persons whatsoever, at any time hereafter, within the space of twenty-four hours, by playing at any game, or games whatsoever, or by betting on the sides, or hands of such as do play at any game or games, shall lose to any one or more person or persons, so playing or betting, the sum of forty shillings, or more, in the whole, and shall pay, or deliver the same, or any part thereof, the person or persons so losing and paying, or delivering the same, shall be at liberty, within three months then next following, to sue for, and recover the money or goods so lost, and paid or delivered, or any part thereof, from the respective winner and winners thereof, with costs of suit, by action of debt, founded on this act, to be prosecuted in any court of record within this colony, where the sum, or value thereof shall be cognizable; in which action it shall be sufficient for the plaintiff to alledge, that the defendant is indebted to the plaintiff, or received to the plaintiff's use, the money so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this act, without setting forth the special matter: And in case the party losing such money, or other thing as aforesaid, shall not within the time aforesaid, really and *bona fide*, without covin or collusion, sue and with effect, prosecute for the money, or other thing, so lost and paid, or delivered, it shall and may be lawful to and for any other person or persons, by any such action or suit as aforesaid, to sue

The loser of forty shillings or more, may recover all money paid.

If the loser does not sue in three months, any other person may.

And shall recover the money paid, and treble the value.

for, and recover the same, and treble the value thereof, with costs of suit, against the winner or winners as aforesaid, the one moiety thereof to the use of the person or persons suing for the same, and the other moiety to the use of the parish where such offence shall be committed: And every person who, by virtue of this present act, shall or may be liable to be sued for monies or other things so won as aforesaid, shall be obliged and compellable to answer, upon oath, such bill or bills as shall be preferred against him or them, for discovering the money or other things so won at play as aforesaid.

But repayment discharges the penalty.

IV. *Provided always*, That upon discovery and repayment of the money, or other thing, so to be discovered and repaid as aforesaid, the person and persons discovering and repaying the same, shall be acquitted, indemnified, and discharged from any further or other forfeiture, punishment, or penalty, which he or they may have incurred by the playing for, and winning such money or other thing so discovered and repaid.

Penalties on persons playing at public places.

V. And to prevent gaming at ordinaries, and other public places, which must be often attended with quarrels, disputes, and controversies, the impoverishment of many people and their families, and the ruin of the health, and corruption of the manners of youth, who upon such occasions frequently fall in company with lewd, idle, and dissolute persons, who have no other way of maintaining themselves but by gaming, *Be it further enacted, by the authority aforesaid*, That if any person or persons shall at any time play in an ordinary, race field, or any other public place, at any game, or games whatsoever, except billiards, bowls, backgammon, chess, or draughts, or shall bett on the side or hands of such as do game, every such person, upon conviction thereof, before any justice of peace within this colony, by the oath of one or more credible witness or witnesses, which oath the said justice is hereby empowered to administer, or by the view of such justice, or the confession of the party accused, shall forfeit and pay five pounds current money, to be levied by distress and sale of the offender's goods, by warrant under the hand of the justice before whom such conviction shall be, and for the use of the poor of the parish wherein such offence shall be committed: And moreover, every person so convicted, shall be

committed to the county gaol, there to remain until he, she, or they, give sufficient security, for his, her, or their, good behaviour for twelve months, next after such conviction.

VI. *And be it further enacted, by the authority aforesaid,* That if any ordinary keeper shall suffer or permit any person or persons whatsoever, to play at any unlawful game, or games whatsoever, in his house, shed, booth, arbour, or stall, either by night or day, every such ordinary keeper, being thereof convicted before any justice of peace, by the oath of one or more credible witness or witnesses, confession, or view of a justice as aforesaid, shall forfeit and pay five pounds current money, to be levied and applied in like manner as the other last mentioned fine of five pounds, is by this act directed to be levied and applied: And if any justice or justices of peace shall be present at any unlawful gaming, at any time or place, except in private houses, and shall neglect to issue his warrant for levying the fine, on every person so gaming, or betting, every such justice shall forfeit and pay five pounds, one half to the informer, and the other half to the churchwardens, to the use of the poor of the parish, recoverable with costs, by action of debt, or information, in any county court.

On ordinary keeper, who permits gaming.

On justices neglecting to put this act in execution.

VII. *Provided always,* That any person aggrieved by the judgment of any justice of peace, upon any conviction for any of the offences in this act, cognizable before him, may appeal to the next court to be held for the county where such person shall be convicted, but shall give reasonable notice of such appeal, to the party prosecuting him or her, and shall also enter into recognizance, with two sufficient sureties, before some justice of the county wherein the judgment was given, on condition, to try such appeal at the next court held for the same county after entering such appeal; which shall be by the said court then heard and finally determined: *Provided also,* That no such judgment shall be set aside for want of form, wherein it shall appear to the court, that the facts were sufficiently proved at the trial; nor shall any such judgment be removed, or removable, by appeal, or any writ or process whatsoever, into the general court.

Liberty of appeal to the county court.

VIII. *And be it further enacted, by the authority aforesaid,* That if any person or persons whatsoever, do or shall, at any time or times, by any fraud, shift,

Punishment of cheats.

cozenage, circumvention, deceit, unlawful device, or evil practice whatsoever, in playing at or with cards, dice, or any other game or games, or in, or by bearing a share, or part in the stakes, wagers, or adventures, or in, or by betting on the sides, or hands of such as do, or shall play, win, obtain, or acquire to him, or themselves, or to any other or others, any sum or sums of money, or other valuable thing or things whatsoever, every person so winning by such ill practice, and being thereof convicted, upon indictment, or information, shall forfeit five times the value of the money, or other thing so won, and shall be deemed infamous, and suffer such corporal punishment as in cases of wilful perjury: And such penalty shall be recoverable, with costs, by any person or persons suing for the same, by action of debt, in any court of record of this dominion, having cognizance thereof.

Gamblers
may be
bound to
good beha-
viour, or
committed.

IX. And whereas divers lewd and dissolute persons live at great expences, having no visible estate, profession, or calling, to support them, but by gaming only, *Be it therefore further enacted, by the authority aforesaid,* That it shall be lawful for any two justices of peace, in any county or corporation, to cause to come, or be brought before them, every person, within their respective limits, whom they shall have just cause to suspect to have no visible estate, profession, or calling, to maintain himself by, but for the most part supporting himself by gaming; and if such person shall not make it appear to such justices, that the principal part of his expences is not maintained by gaming, they shall require of him sufficient securities for his good behaviour for the space of twelve months, and on refusal thereof, shall commit him to the common gaol, there to remain until he shall find such securities: And if such person shall give such securities, and afterwards within that time, shall play, or bett, for any money, or other valuable thing whatsoever, such playing, or betting, shall be a breach of the behaviour, and a forfeiture of the recognizance given for the same.

Penalty on
gaming
quarrels.

X. And to prevent quarrels happening by gaming, *It is hereby further enacted,* That if any person shall assault, and beat, or shall challenge, or provoke to fight, any other person or person whatsoever, upon account of any money, or other thing won by gaming, or betting, the person and persons so assaulting,

beating, challenging, or provoking to fight, being thereof convicted, shall forfeit to the party grieved, ten pounds current money, to be recovered, with costs, by action of debt, in any county court; and moreover, shall be liable to the action of the party grieved, at the common law.

XI. *And be it further enacted, by the authority afore-* Repealing
said, That all and every other act and acts, clause clause.
and clauses heretofore made, for or concerning any
matter or thing within the purview of this act, shall
be, and are hereby repealed.

XII. *And be it further enacted, by the authority afore-* Commence-
said, That this act shall commence and be in force, ment.
from and immediately after the tenth day of June,
which shall be in the year of our Lord, one thousand
seven hundred and fifty-one.

G. HAP. XXXII.

An Act concerning Marriages.

I. *BE it enacted, by the Lieutenant Governor, Coun-*
oil, and Burgesses, of this present General Assembly,
and it is hereby enacted by the authority of the same,
That no minister shall celebrate the rights of matri- No person
mony between any persons, or join them together as shall be mar-
man and wife, without lawful licence, or thrice publi- ried without
cation of banns according to the rubric in the book of licence, or
common prayer; and if the persons to be married publication
dwell in several parishes, the banns shall be publish- of banns.
ed in each parish, and the minister of the one parish
shall not solemnize the matrimony, until he have a
certificate from the minister of the other parish, that
the banns have been thrice published, and no objec-
tion made against the parties joining together: And
if any minister shall celebrate the rites of matrimony, Penalty on
or joining persons in marriage, without such licence, ministers
or publication of banns, as by this act required, he marrying
shall for every such offence be imprisoned one whole otherways.
year, without bail or mainprise, and shall also forfeit
and pay five hundred pounds current money; and if

L—Vol. 6.

any minister shall go out of this government, and there join in marriage, any person or persons belonging to this colony, without such licence, or publication of banns, he shall be liable to the same penalties and forfeitures, as if such marriage had been by him celebrated within this dominion: *Provided always*, That where any parish or parishes have not a minister, the clerk or reader may publish banns, and if no objection be made, grant certificate thereof, which, together with a certificate, under the hand and seal of a justice of the peace for the said county, living in the parish where such publication shall be, certifying, That the feme so to be joined hath been an inhabitant of the said parish, one month next before the date of such certificate, shall be sufficient for any minister to solemnize the rites of matrimony: And if any minister, clerk, or reader, shall grant or issue a false certificate, he shall suffer the imprisonment without bail, and pay the forfeiture aforesaid, and shall also be liable to be prosecuted and punished as in case of forgery: And that all or any of the offences aforesaid may be prosecuted, tried, and determined, in any court of record of this dominion; which courts are hereby declared to have cognizance thereof, and may hear and determine the same, and award execution thereupon, according to the course of the common law.

On granting a false certificate of the banns being published.

The manner of issuing marriage licences.

II. *And be it further enacted by the authority aforesaid*, That every licence for marriage shall be issued by the clerk of the court of that county wherein the feme usually resides, in manner following, that is to say, He shall take bond with good surety for the sum of fifty pounds current money, to our sovereign lord the king, his heirs and successors, with condition, that there is no lawful cause to obstruct the marriage, for which the licence shall be desired; and every clerk failing herein, shall forfeit and pay fifty pounds current money: And if either of the parties intending to marry, shall be under the age of one and twenty years, and not theretofore married, the consent of the father, or guardian, of every such infant, shall be personally given before the said clerk, or certified under the hand and seal of such father, or guardian, attested by two witnesses, and thereupon the clerk shall issue licence, and certify that bond is given; and if the parties, or either of them, be under the age aforesaid, he shall also certify the consent of the father, or

Where an infant marries.

guardian, and the manner thereof, to the first justice sworn in commission of the peace, or in his absence to the next justice sworn in that county, who is hereby authorised and required to sign and direct the same: And every licence so obtained and signed, and no other whatsoever, is hereby declared to be a lawful licence: And if any county court clerk shall, in any other manner, issue or certify any marriage licence, or if any person whatsoever, shall presume to sign or direct such licence in other manner, or without such certificate as by this act is required and directed, every person so offending shall be imprisoned one whole year, without bail or mainprize, and shall forfeit and pay five hundred pounds current money; all which penalties shall be cognizable as aforesaid.

Penalties on issuing or signing licence, contrary to this act.

III. *And be it further enacted, by the authority aforesaid,* That if any feme sole, of the age of twelve and under sixteen years, shall marry any person whatsoever, contrary to the will or consent of her father or guardian, and without legal publication of the banns, then the next of kin to such feme to whom the inheritance should descend, or come, shall have right to enter upon, and take possession of all lands, tenements, hereditaments, and other real estate whatsoever, which such feme, at the time of her marriage, had in possession, reversion, or remainder, and shall have, hold, occupy, and enjoy the same, to him or her, and the representatives of his or her stock, with all the immunities and privileges thereto belonging, during the time of such coverture: but after determination thereof, all such estate, and the possession, reversions, and remainders, rights, immunities, and privileges, shall immediately revert, be, and remain in the said feme, and her heirs, other than her husband, and she, and they, and every of them, may re-enter, and take possession thereof, as if this act had never been made.

In what case a feme under twelve, and above sixteen years, forfeits her inheritance.

IV. *And be it further enacted by the authority aforesaid,* That if any minister, clerk, or reader, shall wittingly publish the banns of marriage between any servants, by act of parliament, act of assembly, indenture, or custom, or between any free person and such servant; or, if any minister shall knowingly marry any such, without certificate from the master, or owner, of every such servant, that it is with his or her

Penalties on publishing banns, or marrying any servant

On servants
married, and
free persons
marrying
such.

consent, every minister, clerk, or reader, so offending, shall forfeit and pay ten thousand pounds of tobacco, for every such offence, recoverable in any court of record of this colony: And every such servant, so married without consent of his or her master or owner, shall serve him or her, and his or her assigns, one whole year, after all other time of service is expired, or pay him or her five pounds current money, and every free person, so marrying such servant, shall pay the master or owner five pounds current money, for his or her own use, recoverable in any county court, with costs, or shall well and faithfully serve such master or owner one whole year, in actual service.

Fees for
marriages.

V. *And be it further enacted, by the authority aforesaid,* That every county court clerk shall, in October annually, deliver to the governor, or commander in chief of this dominion for the time being, a true list of all marriage licences by him issued: And that the fees due and demandable upon marriages, be as follows, *to wit,* To the governor, or commander in chief for the time being, for every marriage licence, twenty shillings, to be paid to the county court clerk before licence issued, and by him to be accounted for at the time aforesaid; to the minister, if by licence, twenty shillings, by banns five shillings; for publishing banns, and certificate thereof where required, one shilling and six pence, and no more; and every minister shall have the benefit of the fees arising within his parish for marriages, and also for funeral sermons, if he shall not neglect or refuse to serve, although another minister be employed to do the same; which fee, for every funeral sermon, where preached upon request, shall be forty shillings, and no more: And if any minister shall refuse to celebrate the rites of matrimony for the fees herein before allowed him, or shall exact other, or greater fees, or if he, or any parish reader, or clerk, shall refuse to publish the banns, or to certify the same when required, for the fee aforesaid, or exact any other or greater fee, every person so offending shall forfeit and pay two thousand pounds of tobacco, to the party grieved, for every such offence, recoverable in any county court of this dominion: And that one moiety of all forfeitures arising by this act, and not otherwise appropriated, shall be to our sovereign lord the king, his heirs and successors, for and towards

For a funeral sermon.
Penalty for
exactings
greater fees.

How the forfeitures shall
be recovered and applied.

the better support of this government, and the contingent charges thereof, the other moiety to the party or parties who shall inform or sue for the same; and all the forfeitures aforesaid shall be recoverable with costs, by action of debt, or information, in any court of record by this act declared to have cognizance thereof. Repealing clause.

VI. *And be it further enacted, by the authority aforesaid, That one act made in the fourth year of queen Anne, intituled, An act concerning marriages, and every other act and acts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.* Commencement.

VII. *And be it further enacted, by the authority said, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.*

CHAP. XXXIII.

An act for ascertaining the damage upon protested bills of exchange; and for the better recovery of debts due on promissory notes; and for the assignment of bonds, obligations, and notes.

I. WHEREAS bills of exchange are accounted, in Preamble. the course of all payments in this colony, as ready money, and it is reasonable, for advancing the credit and circulation of such bills, to make the same a sufficient security, and to expedite the recovery of money thereupon.

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That where any bill of exchange is or shall be drawn for the payment of any sum of money, in which the value is or shall be expressed to be received, and such bill is or shall be protested for non-acceptance, or non payment, the same shall carry interest from* Ten per ct. per annum.
Damage upon protested bills.

the date thereof, after the rate of ten *per cent. per annum*, until the money therein drawn for shall be fully satisfied and paid: But lest any person, having such bill, should for the sake of the said interest delay negotiating the same, or, if after it shall be protested, shall not demand payment of the drawer, or indorser thereof, *It is hereby declared*, That no person whatsoever shall pay more than eighteen months interest, from the date of any bill, to the time it shall be presented protested to the drawer or indorser, or indorsers thereof.

How judgments shall be recovered, and entred.

III. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any person or persons, having a right to demand any sum of money upon a protested bill of exchange, to commence and prosecute an action of debt, for principal, interest, and charges of protest, against the drawers and indorsers jointly, or either of them separately, and judgment shall and may be given for such principal and charges, and interest after the rate of ten *per centum per annum*, as aforesaid, to the time of such judgment, and for interest upon the money recovered, after the rate of five *per centum per annum*, until the same shall be fully satisfied.

Protested bills equal to judgments and shall be paid by executors, &c. before other debts.

IV. And that all bills of exchange, which are, or shall be protested, shall, after the death of the drawer or indorser thereof, be accounted of equal dignity with a judgment: And the executors, or administrators, of every such drawer or indorser, shall be compellable to suffer judgment to pass against them, for all debts due upon protested bills of exchange, before any bond, bill, or other debt, of equal or inferior dignity, under the penalty of being liable to pay the same out of their own proper goods.

Actions of debt maintainable upon notes of hand.

V. And to the end the recovery of money upon promissory notes, and other writings without seal, may be rendered more easy, *Be it further enacted, by the authority aforesaid*, That if any person or persons have signed, or shall sign, any note or other writing, whereby he, she, or they promise, or oblige, him, her, or themselves, to pay any sum of money, or quantity of tobacco, to any other person or persons, such person or persons, to whom the same is or shall be payable, may commence and maintain an action of debt, and recover judgment for what shall appear due thereupon, with costs.

VI. *And be it further enacted by the authority aforesaid,* That when any suit shall be commenced and prosecuted in any court within this colony, for any debt due by judgment, bond, bill, or otherwise, the defendant shall have liberty, upon trial thereof, to make all the discount he can against such debt, and upon proof thereof the same shall be allowed in court.

Defendant may prove his discounts.

VII. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful to and for any person, or persons, to assign and transfer any bond; or bill, for debt, or any such note as aforesaid, to any other person or persons whatsoever: And that the assignee or assignees, his and their executors and administrators, by virtue of such assignment shall, and may have lawful power to commence and prosecute any suit at law, in his, her, or their own name, or names, for the recovery of any debt due by such bond, bill, or note, as the first obligee, his executors and administrators, might or could lawfully do: *Provided always,* That in any suit upon such bond, bill, or note, so assigned, the plaintiff shall allow all discounts that the defendant can prove, either against the plaintiff himself, or against the first obligee, before notice of such assignment was given to the defendant.

Assignee of Bonds, &c. may sue and recover.

But shall allow discounts against himself, or the first obligee before notice of assignment.

VIII. *And be it further enacted, by the authority aforesaid,* That one act made in the third and fourth years of the reign of his present majesty, intituled, An act for ascertaining the damage upon protested bills of exchange; and for the better recovery of debts due on promissory notes; and for the assignment of bonds, obligations, and notes: And all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Repealing clause.

IX. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

Commencement of this act.

CHAP. XXXIV.

*An Act for the support of the Clergy; and
for the regular collecting and paying
the parish levies.*

Salary of
Ministers.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every minister now preferred, or hereafter to be preferred to, or received into any parish within this dominion, shall have and receive an annual salary of sixteen thousand pounds of tobacco, and cask, with an allowance of four per cent. for shrinkage, to be levied, assessed, collected and paid, in manner herein after directed.

The time
and manner
of laying the
parish levy.

II. And be it further enacted by the authority aforesaid, That the vestry of every parish within this dominion shall, and they are hereby authorised and required, at some convenient time, before the first day of December, in each year, to meet and lay the parish levy; whereof public notice shall be given by the minister or reader, at each church in the parish: And every vestry is hereby authorised and required to levy and assess, upon the tithable persons in their respective parishes, as well the minister's salary aforesaid, as all other the parish charges, and also the legal allowances for cask, where the tobacco due to any parish creditor shall be contracted for to be paid with cask, together with the allowance of six per centum for collecting the parish levy.

Provision for
vacant pa-
rishes.

III. And be it further enacted by the authority aforesaid, That where any parish is or shall become vacant, by the death or removal of their minister, the vestry of such parish shall have power to levy the salary aforesaid, or any part thereof, for satisfying some neighbouring or other minister, or ministers, for serving in the cure of such parish during the vacancy.

How the
levy shall be
collected
and paid.

IV. And for the better collecting and paying the parish levies, Be it further enacted by the authority aforesaid, That the vestry of every parish respectively shall be, and is hereby authorised and empowered, to nominate and appoint such person as they shall

think fit, to collect and receive their parish levy, the person so appointed giving bond, with sufficient securities, that he will duly collect, pay, and satisfy, unto the several parish creditors, all tobacco for them levied: And every such collector, for his trouble, shall have the allowance herein before appointed, and shall also have full power and authority, by virtue of this act, upon refusal of payment of the said levies, or any part thereof, by any person or persons chargeable therewith, to distrain the slaves, goods, and chattels, of the party refusing, and to make sale thereof, in the same manner as is by law directed for other distresses: And if the vestry of any parish shall neglect or refuse to levy the tobacco due to the minister, or other parish creditors, in such case, all and every the vestrymen of the parish neglecting, or refusing, shall be liable to the action of the party grieved, his, or her executors, or administrators, for all damages which he or she shall sustain by such refusal or neglect.

Collector shall give bond and security.

His allowance and power to distrain.

Vestry refusing to levy tobacco due to parish creditors, liable for damages. Provision for glebe lands, and buildings.

V. *And be it further enacted by the authority aforesaid;* That in every parish of this dominion, where a good and convenient glebe is not already purchased and appropriated, a good and convenient tract of land, to contain two hundred acres at the least, shall be purchased by the vestry, and assigned, and set apart for a glebe, for the use of the minister of such parish, and his successors, in all times hereafter; and where mansion, and other convenient out-houses, are not already erected, for the habitation of the minister, *It is hereby declared, and enacted,* That the vestry of every such parish shall have power, and they are hereby authorised and required, to cause to be erected and built on such glebe, one convenient mansion house, kitchen, barn, stable, dairy, meat house, corn house, and garden, well pailed; or inclosed with mud walls, with such other conveniencies as they shall think fit, and to levy the charge of the glebe land, and buildings, on the tithable persons in their respective parishes.

VI. And to the end the buildings already erected, or hereafter to be erected, upon every glebe, may be kept in good repair, *It is hereby further enacted,* That every parish minister within this dominion shall, during the time of his being minister of the parish, keep and maintain the mansion house, and all other the out-houses and conveniencies, erected, or to be erected

The tenements shall be kept in repair.

on his glebe, in tenantable repair, and shall so leave the same at his removal from his parish, or death, accidents by fire, or tempest, only excepted:

Minister failing to repair, liable for damages.

And in case any minister shall fail so to do, such minister, his executors and administrators, shall be liable to the action of the churchwardens of the parish, for the time being, wherein the value of such repairs shall be recovered in damages, with costs of suit, and the damages so recovered, shall be applied and laid out in making necessary repairs upon the glebe: And every vestry of a vacant parish is hereby impowered and required, to put all the buildings upon the glebe of their parish, into such good and sufficient repair, as that the same may be fit for the reception of the succeeding minister: *Provided nevertheless*, That any vestry, who shall judge that the minister has not wilfully committed any waste on his glebe, may make such necessary repairs, at the charge of their parish as they shall think fit: And every minister, received into any parish as aforesaid, shall be entitled to all the spiritual and temporal benefits of his parish, and may maintain an action of trespass, against any person or persons whatsoever, who shall disturb him in the possession and enjoyment thereof.

Vestries of vacant parishes shall repair. Proviso.

Ministers rights.

Vestries right of presentation declared, and limited.

VII. And whereas it is doubted, how long the right of presentation of a minister to a parish, remains in the vestries in this colony: For settling that matter, *Be it further enacted, by the authority aforesaid*, That the sole right of presentation shall be, and remain, in the several vestries, for and during the term of twelve months next after a vacancy shall happen in their respective parishes.

Repealing clause

VIII. *And be it further enacted, by the authority aforesaid*, That one act made in the first year of the reign of his present majesty, intituled, An act for the better support of the clergy of this dominion; and for the more regular collecting and paying the parish levies: And all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act.

IX. *And be it further enacted, by the authority aforesaid*, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.

CHAP. XXXV.

An Act for the better support of the College of William and Mary.

I. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, Duties on hides, skins, and furs, exported. and it is hereby enacted, by the authority of the same, That there shall be paid to his majesty, his heirs and successors, for and towards the better support and maintenance of the college of William and Mary, in Virginia, the following duties, customs, and imposts, for the following goods, wares, and merchandizes, exported out of this dominion, by land or by water: that is to say,

For every raw hide, six pence.

For every tann'd hide, six pence.

For every drest buck skin, one penny three farthings.

For every undrest buck skin, one penny.

For every doe skin drest, one penny half penny.

For every undrest doe skin, three farthings.

For every pound of beaver, three pence.

For every otter skin, two pence.

For every wild cat skin, one penny half penny.

• For every mink skin, one penny.

For every fox skin, one penny half penny.

For every dozen of raccoon skins, three pence, and so proportionably for a greater or lesser quantity.

For every dozen of musk-rat skins, two pence, and so proportionably for a greater or lesser quantity.

And for every elk skin, four pence half penny.

II. And for preventing frauds in the exportation of The manner of entry for exportation. skins and furs, *Be it further enacted by the authority aforesaid,* That no skins or furs shall be hereafter packed, in order to be shipped off, with any other thing; and every person intending to export skins, or furs, before the same shall be shipped, shall make oath before some justice of the peace of the county where he lives, to the several parcels, or packages intended to be shipped, and the number of skins and furs, and the kinds thereof, and pounds of beaver, if any therein contained, and that no other thing is packed therein; which oath shall be certified by the justice

of peace administering the same, and his certificate delivered by the master of the ship or vessel wherein the same shall be shipped, before his clearing, to the naval officer, who shall receive of the owner of such skins, and furs, the duties by this act imposed, and without distinguishing between buck and doe skins, shall account all deer skins, to be one third buck, and two thirds doe skins.

Duties shall be paid to the collector, or the goods forfeited.

III. *And be it further enacted, by the authority aforesaid,* That the said duties upon skins and furs shall be paid, and satisfied, by the owner or exporter thereof, either by land or water, to the collector or collectors, appointed to receive the same, by the governor or commander in chief of this colony, for the time being, with advice of the council, and a certificate, that the same is paid, obtained from such collector, under penalty of forfeiture of all hides, skins, and furs, exported or intended to be exported, by land or water, contrary to this act, or the value thereof.

Skins transported by land, without certificate, may be seized.

IV. And to the end the said duties upon skins and furs may not be defrauded, by clandestine transportation thereof into the neighbouring colonies, *It is hereby further enacted,* That if any person shall be found travelling upon the frontiers of this colony, with hides, skins, or furs, it shall be lawful for any justice of peace, sheriff, or constable, of the county where such person shall be found, to seize such hides, skins, and furs, unless the person carrying the same produce a certificate, under the hand of a justice of peace of this colony, that he is an inhabitant thereof, and shall also make oath, that he will not carry the said hides, skins, or furs, or cause the same to be carried, into any other colony or province, without paying the said duties: And in case any hides, skins, or furs, shall be so seized, one moiety thereof shall be to the seizer, and the other moiety to the king, his heirs and successors, for the better support of the said college of William and Mary.

The seizure appropriated.

Duty on tobacco exported to the plantations.

V. And whereas by an act of parliament, passed in the twenty fifth year of king Charles the second, a duty of one penny per pound was laid upon all tobacco, exported from hence to other British plantations, in America, which, among other donations, was by the late king William, and queen Mary, granted to the said college, for the better support thereof, but by reason of divers frauds and abuses, this branch of

their revenue hath of late proved very deficient, *Be it therefore further enacted, by the authority aforesaid,* That every person who shall ship any goods, merchandizes, or commodities whatsoever, on board any ship or vessel bound to any of the British plantations in America, shall, before the same be shipped, or within five days after, make oath before a justice of peace of the county where he lives, to the several parcels, or packages, of goods, merchandize, or commodities so shipped, and the contents thereof, and that no tobacco is contained therein; or if any tobacco, to the true quantity, upon pain of forfeiting all such goods, merchandize, and commodities, or the value thereof: And the justice of peace, before whom such oath shall be made, shall certify the same under his hand; which certificate shall be delivered to the master of the vessel, and by him to the naval officer of the district, at the time of his clearing; and no naval officer shall clear any such ship or vessel, until such certificate be produced, and a copy thereof shall be by the naval officer delivered, or sent, to the collector of the duty of one penny per pound, in the same district, before clearing: And every master of such ship or vessel, or other person clearing, or concerned in loading the same, before his clearing shall make oath, before the naval officer of the district, to the quantity of tobacco on board, if he hath any, or that he hath no tobacco, and will take none on board, without paying the duty; a copy of which oath the naval officer shall transmit to the collector of the customs, of the port whither such ship or vessel shall be bound: And every person making a false oath in any of the premises and being thereof lawfully convicted, shall suffer as for wilful perjury.

The method of entering out, and obtaining certificates of goods shipped to the plantations.

VI. And to the end no tobacco may be carried into the province of North Carolina, to be exported thence without paying the duty in either colony, *Be it further enacted, by the authority aforesaid,* That if any person shall carry any tobacco into the said province, without paying the said duty of one penny per pound, the owner thereof shall forfeit the value of such tobacco: And that one moiety of all penalties and forfeitures, arising by this act, shall be to the king, his heirs and successors, for the better support of the college of William and Mary, in Virginia, and the other moiety to the informer, recoverable with costs, by action of debt or information, in any court of record within this colony.

Penalty on exporters of tobacco to North Carolina, without duty paid.

The penalties appropriated.

Duty and
salary of the
collectors.

Proviso:

VII. *And be it further enacted, by the authority aforesaid,* That the several collectors, appointed to receive the duties aforesaid, shall, from time to time, be accountable and pay the same to the president and masters of the said college of William and Mary, or such other person or persons as shall be by them lawfully deputed; and for receiving and paying thereof, such collectors shall be allowed six per centum: *Provided always,* That nothing herein contained shall be construed to alter or infringe the powers, privileges, or allowances, of collectors of the said duty of one penny per pound, appointed or to be appointed by the commissioners of his majesty's customs of Great Britain, pursuant to the said act of parliament, made in the twenty-fifth year of king Charles the second, for collecting, levying, and receiving the said duty, or penalties therein mentioned.

Repealing
clause.

VIII. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commence-
ment.

IX. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XXXVI.

An Act for preventing frauds in the customs and in clearing of ships; for ascertaining Collectors and Naval Officers fees; and to prohibit and prevent the casting ballast, or dead bodies, into rivers or creeks.

Preamble.

I. FOR preventing frauds and concealments in clearing ships and vessels, and in payment of customs, duties, or impositions, laid upon tobacco, skins, furs,

or any other goods, or merchandizes whatsoever, exported out of this colony and dominion:

II. *BE it enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the master of every ship or vessel, entering into this colony for trade, or being here, is designed to take on board and lade any tobacco, skins, furs, or other goods or merchandizes whatsoever, in order to export and carry the same out of this dominion, at his entry, and before he be permitted to break bulk, and trade, or to lade and take on board any goods, or merchandizes whatsoever, shall give bond to the naval officer, with one surety, to our sovereign lord the king, his heirs and successors, that he will not depart with his said ship or vessel, from the district or port where she is entered, until payment be made of the several duties, customs, impositions, and fees, accruing due from the said ship or vessel, or for, or by reason of any tobacco, skins, furs, or other goods and merchandizes, shipped and laden in her, nor until the said ship or vessel be duly cleared by the collector and naval officer of the said district or port.

Bond to be given by masters of ships entering or lading goods for exportation.

III. *And be it further enacted, by the authority aforesaid,* That if the ship or vessel be under fifty tons, the said bond shall be for fifty pounds; if above fifty tons, and under one hundred tons, for one hundred pounds; and if one hundred tons, or more, for two hundred pounds; and shall be delivered back upon due clearing with the officers aforesaid, but wholly forfeited, without relief in equity, in case the condition thereof be broken.

The sums of the bond, and how forfeited.

IV. *And be it further enacted, by the authority aforesaid,* That the master of every ship or vessel, upon clearing, shall make oath before the officer with whom he clears, (which oath the said officer is hereby empowered and required to administer,) what tobacco, skins, furs, or other goods, or merchandizes, are then shipped and laden on board his ship or vessel, and that he will not afterwards lade or take on board any more tobacco, skins, furs, or other goods, or merchandizes whatsoever, for which any custom, duty, or imposition, is to be paid, or which the law requires to be entered, without a lawful permit for his so doing, from any officer of the district, or port, wherein the said tobacco, skins, furs, goods, or merchandizes, are to be so laden and taken in.

Oath, upon clearance.

To whom
the duties
shall be paid.

V. And be it further enacted, by the authority afore-
said, That the customs, duties, or impositions ac-
cruing due, for any tobacco, skins, furs, or other
goods, or merchandizes whatsoever, which shall be
shipped or laden on board any ship or vessel, in order
to be exported out of this colony, shall be answered
and paid to the collector, or receiver of the said cus-
toms, duties, or impositions, in the district, or port,
where the said ship or vessel rides, when the said to-
baccos, skins, furs, goods, or merchandizes, are laden
and taken in, and to no other collector, or receiver
whatsoever, notwithstanding the same be brought
thither from another district or port.

Officer's
power in de-
tecting con-
cealments or
frauds.

VI. And be it further enacted, by the authority afore-
said, That upon any suspicion of fraud, or conceal-
ment, or that the master of any ship or vessel doth
make a false report of his lading, it shall be lawful
for the naval officer, and collector of the district, or
port, or either of them, for discovery of the said fraud,
or concealment, and for the better finding out the
truth of the matter, to examine upon oath, the mate,
boatswain or any other of the seamen, belonging to
the said ship or vessel, as also, any other person, or
persons whatsoever, concerning the lading of the said
ship or vessel, as to the said collector, and naval offi-
cer, or either of them, shall seem fit and convenient.

Collector's
fees.

VII. And be it further enacted, by the authority afore-
said, That the collectors fees shall be as followeth,
that is to say,

L s. d.

For entering and clearing any ship or vessel of fifty tons, or under, all vessels trans- porting goods, or commodities, from one district to another excepted, and all fees thereunto incident,	0 10 0
For entering and clearing any ship or ves- sel, above fifty tons, and under one hun- dred tons, and all fees thereunto inci- dent,	0 15 0
For entering and clearing any ship or ves- sel of one hundred tons, or above, and all fees thereunto incident,	1 5 0
For taking a plantation bond, pursuant to the act of trade, and navigation,	0 2 6
For a certificate of duties paid upon goods, shipped to the plantations,	0 2 6

And that the naval officers fees be as followeth, that Naval officer's fees.
is to say,

For entering and clearing any ship or vessel of fifty tons or under, except as is before excepted, 0 7 6

For entering and clearing any ship or vessel above fifty and under one hundred tons, 0 10 0

For entering and clearing any ship or vessel of one hundred tons, or above, 1 5 0

For taking a bond, 0 2 6

For a permit to trade, 0 2 6

For every loading cocquet here, 0 0 6

For a permit to load a ship or vessel for exportation, 0 2 6

For a certificate for all imported goods that shall be removed out of one district or river, into another, after they are once landed, to be paid to the officer of the district from whence the said goods are brought, 0 2 6

All which fees shall be paid in sterling, or current money, at five and twenty per cent.

VIII. And that the naval officers, and collectors, Virginia owners pay only half fees. for any the services before mentioned, shall charge no more than half of the fees aforesaid, for any ship or vessel wholly belonging to the inhabitants of this country.

IX. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any collector or naval officer, within this colony and dominion, to demand and take any fee or fees, for any other business, matter, or thing, by him done and performed, as collector, or naval officer, or as collector, or receiver of any Virginia duties, than the particulars before enumerated in this act, or to demand and take any greater fee, for any of the particulars before enumerated, than the fee given and allowed by this act for the same: And if any collector, or naval officer, shall offend in either of the premises, and be thereof lawfully convicted, he shall for the first offence, forfeit and pay one hundred pounds; one moiety to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other moiety to the party injured, to be recovered with costs, in any court of

N—Vol. 6.

record within this dominion, by action of debt, or information, wherein no essoin, protection, or wager of law, privilege, or more than one imparlance shall be allowed: And if the collector, or naval officer, shall offend a second time, and be thereof lawfully convicted, he shall be thereby disabled in law, and made utterly incapable to hold, execute, and enjoy his place, and office of collector, or naval officer, or any profit or advantage arising therefrom, for ever, and the said place, and office shall, immediately after such conviction, be void to all intents and purposes, as if the said collector or naval officer had been naturally dead, and moreover, shall forfeit and pay to the informer, the sum of twenty pounds, to be recovered with costs, as aforesaid.

If the party injured does not sue within three months, any other person may.

X. *And be it further enacted by the authority aforesaid*, That if any person injured by any collector, or naval officer, demanding and taking any fee or fees, contrary to this act, shall fail to inform against the said collector, or naval officer, for the said offence, within three months after the offence committed, it shall be thereafter lawful for any other person, or persons whatsoever, to prosecute the offender, and recover, any thing in this act before contained, to the contrary, notwithstanding.

Prosecution must be within a year.

XI. *Provided always*, That no collector, or naval officer whatsoever shall be impeached, or questioned, for or concerning any offence aforesaid, unless he be prosecuted within one year next ensuing such offence committed.

A table of the fees shall be set up and kept in the office.

XII. *And be it further enacted, by the authority aforesaid*, That every collector, or naval officer, within this colony, shall be, and is hereby strictly enjoined and required, to set up, or cause to be set up in his office, a fair written table, or copy of his fees, according to this act, and from time to time to continue the same, by setting up a new or fresh table, or copy as occasion requires.

The method of appointing directors for landing ballast.

XIII. And whereas casting stones, gravel, or other ballast, into rivers, or creeks, must prove dangerous and destructive to navigation, for prevention thereof, *Be it further enacted, by the authority aforesaid*, That immediately after the commencement of this act, the court of every county adjacent to any navigable river, or creek, within this colony, shall nominate and appoint one or more fit and able person, or persons,

residing near or convenient to the place or places where ships, or other vessels usually ride, in such river or creek, to be overseers and directors of the delivery, and bringing on shore, from on board every ship or vessel within their respective districts, all ballast whatsoever, intended to be unladen or delivered; and the clerk of such court shall forthwith issue, and deliver to the sheriff of his county, an attested copy of every such nomination, and appointment, to be by him served upon every person and persons so appointed, or left at his, or their place of abode; of which the sheriff shall make due return; and thereupon every such person shall appear before the court next thereafter held for his county, and there make oath and swear, that he will, when required, diligently attend the delivery of ballast from on board any ship or vessel within his district, and will not knowingly permit the same, or any part thereof, to be cast into the water, where navigable, but will direct, and to the best of his power, cause all such ballast to be brought and laid on shore, according to law, and that he will truly and faithfully execute his office, without favour, partiality, or malice: And if any person so nominated, and having notice thereof as aforesaid, unless hindered by sickness, or other legal disability, shall fail to appear before the said court, or being there shall refuse to be sworn, he shall be fined twenty pounds: And such court shall, upon every such failure, or refusal, or upon the death, removal, or other legal disability, of any person appointed and sworn as aforesaid, forthwith proceed to nominate and appoint, from time to time, another in his room, who shall take the same oath, and upon failure or refusal, shall pay the like fine; which every such court respectively is hereby authorised and required to cause to be levied by the sheriff, and shall be by him accounted for and paid to the treasurer of this colony for the time being, to be applied towards the charge of clearing rivers, and creeks, or as the general assembly shall think fit to direct.

Their oath, and duty.

Fine on refusal to serve.

In cases of death, refusal, &c. others to be appointed.

How the fine shall be levied and applied.

XIV. *And be it further enacted, by the authority aforesaid,* That every person so appointed and sworn, upon notice given him by the master of any ship or vessel, when he intends to discharge ballast, shall forthwith go on board and attend, till the same be delivered, which he shall see brought and laid on shore, at such convenient place or places near the vessel,

The officer's duty and fee.

where it may not obstruct navigation, nor be washed into the channel; and thereupon shall give the master a certificate, that the ballast on-board his vessel has been duly unladen and brought on shore, according to law; and for his attendance may demand and receive five shillings, for every day he shall attend as aforesaid, to be paid by the master before certificate given: And if any such officer shall neglect or fail to perform his duty, as by this act directed, he shall forfeit and pay twenty pounds for every neglect or failure.

Penalty on failure.

And on masters of vessels discharging ballast contrary to this act.

XV. *And be it further enacted by the authority aforesaid,* That every master of a ship or vessel within this colony, having ballast to unlade, shall give notice thereof in writing, to some officer appointed in the district where the vessel rides, pursuant to this act, and appoint the time of such officer's attendance, and at the time of his clearing out, shall produce to the officer of the customs by whom he shall be cleared, a certificate of his having unladen and brought on shore his ballast, as by this act required; and if any such master shall presume to unload any ballast, before notice given as aforesaid, or cast, or suffer the same to be cast overboard, or shall land, or suffer the same to be put on shore, at any other place, or in any other manner, than shall be directed by the proper officer appointed, by virtue of this act, he shall forfeit and pay fifty pounds for every such offence: And if, at the time of his clearing out, he shall fail to produce and deliver to the officer of the customs, by whom he shall be cleared, such certificate as is herein before required, such failure shall amount to a conviction, and he shall be adjudged guilty of breach of this act, and liable to the said penalty of fifty pounds.

Building materials excepted.

XVI. *Provided always,* That nothing herein contained shall be construed to prohibit or restrain the master of any ship or other vessel, bringing limestone, chalk, bricks, or stone for building, to lade or put the same on board any other vessel, in order to be carried or transported to any place he shall think fit; and the person appointed to see ballast unladen is hereby required to permit the same to be done, any thing in this act to the contrary, or seeming to the contrary, notwithstanding.

Penalty on suffering dead bodies

XVII. And whereas the masters of ships or vessels importing negroes, frequently cause such as die on board, to be cast into the water, to the great

annoyance of the adjacent inhabitants, *Be it therefore* to be cast in-
further enacted by the authority aforesaid, That when to the water.
 any negroe, or other person whatsoever, shall die on
 board any ship or vessel, within this dominion, the
 master of such ship or vessel, shall cause the dead
 body to be brought on shore, and there buried, above
 high water mark, four feet deep at the least, upon
 penalty of forfeiting for his neglect herein, or suffer-
 ing such dead body to be cast into the water, fifty
 pounds for every such offence: And that all forfeitures
 and penalties arising by this act, and not before ap-
 propriated, shall be one moiety to the king, his heirs
 and successors, to be paid to the treasurer, and ap-
 plied to the uses last mentioned, the other moiety to
 the informer, recoverable with costs, by action of debt
 or information, in any court of record of this domi-
 nion.

How the pe-
 nalties shall
 be recover-
 ed and ap-
 plied.

XVIII. *And be it further enacted by the authority* Repealing
aforesaid, That one act made in the fourth year of the clause.
 reign of Queen Anne, intituled, An Act for preventing
 frauds in the customs, and in clearing of ships; for
 ascertaining collectors and naval officers fees; and to
 prohibit and prevent the casting of ballast and dead
 bodies into rivers and creeks: And every other act
 and acts, clause and clauses, heretofore made for or
 concerning any matter or thing within the purview
 of this act, shall be, and are hereby repealed.

XIX. *And be it further enacted, by the authority* Commence-
aforesaid, That this act shall commence and be in ment of this
 force, from and immediately after the tenth day of act.
 June, which shall be in the year of our Lord, one
 thousand seven hundred and fifty-one.

CHAP. XXXVII.

An Act to restrain the taking of excessive Usury.

I. Whereas the high interest of money has been Preamble
 found in all countries where it has prevailed, to im-

poorish the people, and a great discouragement to trade and industry.

5 per cent per annum, declared the lawful interest.

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That no person or persons whatsoever, from and after the commencement of this act, upon any contract hereafter to be made, shall take directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatsoever, above the value of five pounds, for the forbearance of one hundred pounds, for a year, and so after that rate, for a greater, or lesser sum, or for a longer or shorter time: And that all bonds, contracts, covenants, conveyances, agreements, and assurances whatsoever, hereafter to be made, for payment of any principal, or money to be lent, or covenanted to be performed, upon or for any usury, whereby there shall be reserved or taken above the rate of five pounds in the hundred, as aforesaid, shall be utterly void.

All contracts for payment of a greater rate, void.

Persons taking more, forfeit double the value of the sum lent.

III. And that all and every person or persons whatsoever, which shall upon any contract to be hereafter made; take, accept, and receive, by way or means, of any corrupt bargain, loan, exchange, shift, or interest, of any monies, wares, merchandize, or other thing, or things, whatsoever, or by any deceitful way or means, or by any covin, device, or deceitful conveyance, for the forbearing or giving day of payment, for one whole year, of and for their money, or other thing, above the sum of five pounds for the forbearing of one hundred pounds, for a year; and so after that rate, for a greater or lesser sum, or for a longer, or shorter time, shall forfeit and lose, for every such offence, the double value of the monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted; one moiety thereof to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, the other moiety to the person or persons who shall inform or sue for the same, by action of debt, or information, in any court of record of this colony, wherein the same shall be cognizable.

IV. And that all bonds, contracts, covenants, conveyances, agreements, and assurances whatsoever, had, made, or entered into at any time or times,

before the tenth day of November, in the year of our lord one thousand seven hundred and thirty four, and now subsisting, whereby any interest above the rate of six in the hundred, for a year, is or was agreed to be taken, or paid; and all such bonds, and other assurances whatsoever, as aforesaid, had, made, or entered into, at any time after the said tenth day of November, and before the time of the commencement of this act, and now subsisting, whereby any interest above five pounds in the hundred, for a year, is, or was agreed to be taken; or paid, shall be void and null, as to all interest, over and above the said several rates of six pounds, or five pounds in the hundred, for a year, as the case shall be, to be computed from the respective times of the first lending, or contract.

In what cases contracts for more than lawful interest shall be void.

V. And to the end people may not be oppressed with the payment of exorbitant interest, for want of proof of an usurious contract, which is always made in secret, and with such caution, that it can seldom be detected in the ordinary course of evidence, *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for any borrower of money, hereafter to be lent, to exhibit a bill in the general court, or any county court of the said colony, against the lender, and to compel him to discover, upon his corporal oath, the principal money actually lent, and the contract made between them, for the payment of interest; and in such case, if it shall appear, that more than lawful interest was reserved, the lender shall be discharged from all the penalties of this act, but he shall lose, not only all such unlawful usury, but shall be obliged to accept the principal money, without any interest.

How persons bound by usurious contracts may be relieved.

VI. And that in all cases hereafter, where judgment shall be recovered for any penalty, not exceeding ten pounds current money, forfeited by virtue of this act, the plaintiff shall also recover his full costs: But no costs shall be allowed, where the penalty so recovered shall exceed the said sum.

Where costs shall be recovered.

VII. And that all and every broker and brokers, solicitor and solicitors, driver, and drivers of bargains, for contracts, who shall at any time hereafter take or receive, directly or indirectly, any sum or sums of money, or other reward or thing, for brokerage, soliciting or procuring the loan, or forbearing of any sum or sums of money, over and above the rate or value of five shillings, for the loan or forbearing of

Rates of brokerage on loans.

one hundred pounds, for a year, and so rateably, or above one shilling for making, or renewing the bond, or bill, for the loan or forbearance thereof, or for any counter bond or bill, concerning the same, shall forfeit for every such offence, twenty pounds current money; one moiety to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, the other moiety to the informer, to be recovered, by action of debt, or information, in any court of record of this dominion.

Repealing
clause.

VIII. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commence-
ment of this
act.

IX. *And be it further enacted by the authority aforesaid*, That this act shall commence and be in force from and immediately after the tenth day of June; which shall be in the year of our lord one thousand seven hundred and fifty one.

CHAP. XXXVIII.

An Act directing the trial of Slaves committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of negroes, mulattoes, and Indians, bond or free.

Preamble.

I. Whereas it is absolutely necessary, that effectual provision should be made for the better ordering and governing of slaves, free negroes, mulattoes, and Indians, and detecting and punishing their secret plots, and dangerous combinations, and for the speedy trial of such of them as commit capital crimes.

Conspiracy
of slaves to
rebel or
murder felo-

II. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,*

That if any negroe, or other slaves, shall at any time ^{ny without} consult, advise, or conspire, to rebel or make insurrec- ^{clergy.} tion, or shall plot, or conspire the murder of any person, or persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed felony, and the slave or slaves convicted thereof, in manner herein after directed, shall suffer death, and be utterly excluded all benefit of clergy.

III. And whereas many negroes, under pretence Or to pre-
of practising physick, have prepared and exhibited poi- pare or ad-
sonous medicines, by which many persons have been minister poi-
murdered, and others have languished under long and son, or any
tedious indispositions, and it will be difficult to detect medicine.
such pernicious and dangerous practices, if they should be permitted to exhibit any sort of medicine, *Be it therefore further enacted, by the authority aforesaid,* That if any negroe, or other slave, shall prepare, exhibit, or administer any medicine whatsoever, he, or she so offending, shall be adjudged guilty of felony, and suffer death without benefit of clergy.

IV. *Provided always,* That if it shall appear to the In what case
court before which such slave shall be tried, that the clergy may
medicine was not prepared, exhibited, or administered be allowed.
ed, with an ill intent, nor attended with any bad consequences, such slave shall have the benefit of clergy.

V. *Provided also,* That nothing herein contained Where me-
shall be construed to extend to any slave or slaves dicines may
administering medicines, by his, or her master's or be adminis-
mistress's order, in his, or her family, or the family tered.
of another, with the mutual consent of the owner of such slave, and the master or mistress of such family.

VI. *And be it further enacted, by the authority aforesaid,* That every slave committing such offence as by The method
law is punishable with death, or loss of member, shall of commit-
be forthwith committed to the common goal of the ment, and
county wherein such offence shall be done; there to be trial of crim-
safely kept: And upon such commitment, the sheriff inal slaves.
of such county shall certify the same, with the cause thereof, to the governor, or commander in chief of this dominion, for the time being, who is thereupon desired and impowered to issue a commission of Oyer and Terminer, to such persons as he shall think fit; which persons, forthwith after receipt of such commission, are impowered and required to cause the offender to be publicly arraigned, and tried, at the court-house of the said county, and to take for evidence the

confession of the offender, the oath of one or more credible witnesses, or such testimony of negroes, mulattoes, or Indians, bond or free, with pregnant circumstances, as to them shall seem convincing, without the solemnity of a jury: And the offender being by them found guilty, to pass such judgment upon such offender, as the law directs, for the like crimes, and on such judgment to award execution.

Where the party arraigned shall be acquitted. And where after judgment, execution shall be stayed 10 days, at least.

Rules in allowing clergy to negroes, mulattoes, or Indians, convicted.

VII. *Provided always*, That if at such trial the court be divided in opinion, whether the accused be guilty, or not guilty, in that case, he, she, or they, shall be acquitted. *Provided also*, That when judgment of death shall be passed upon any such offender, there shall be ten days, at least, between the time of passing judgment, and the day of execution, except in cases of conspiracy, insurrection, or rebellion.

VIII. *And be it further enacted, by the authority aforesaid*, That when any negro, mulatto, or Indian whatsoever, shall be convicted of any offence within the benefit of clergy, judgment of death shall not be given against him, or her, upon such conviction, but he, or she, shall be burnt in the hand, by the goaler in open court, and suffer such other corporal punishment as the court shall think fit to inflict; except where such negro, mulatto, or Indian, shall be convicted of manslaughter, or the felonious breaking and entering any house, in the night time, or for breaking and entering, in the day time, any house, and taking from thence away goods, or chattels, to the value of twenty shillings current money, or where he, or she, hath once had the benefit of this act; and in those cases, such negro, mulatto, or Indian, shall suffer death, without benefit of clergy.

Punishment of negro, mulatto, or Indian witnesses, giving false testimony.

IX. And to the end such negroes, mulattoes, or Indians, not being christians, as shall be produced as evidences, on the trial of any slave for a capital crime, may be under the greater obligation to declare the truth, *It is hereby further enacted*, That where any such negro, mulatto, or Indian, shall be found, upon due proof made, or pregnant circumstances appearing to any county court of this colony, to have given a false testimony, every such offender shall, without further trial, be ordered by the said court to have one ear nailed to the pillory, and there to stand for the space of one hour, and then the said ear to be cut off, and thereafter the other ear nailed in like manner, and

cut off at the expiration of one other hour, and moreover; to receive thirty nine lashes on his, or her bare back, well laid on, at the public whipping post; and at every such trial of slaves for capital offences, the person first named in the commission, then sitting, shall, before the examination of any negro, mulattoe, or Indian, not being a christian, charge such evidence to declare the truth; which charge shall be in the words following, *to wit.*

You are brought hither as a witness, and by the direction of the law I am to tell you, before you give your evidence, that you must tell the truth, the whole truth, and nothing but the truth; and that if it be found hereafter, that you tell a lie, and give false testimony in this matter, you must for so doing, have both your ears nailed to the pillory, and cut off, and receive thirty nine lashes on your bare back, well laid on, at the common whipping post.

A charge to such witnesses.

X. *Provided always,* That the master or owner of any slave may appear at such arraignment and trial, and make what just defence he can for such slave, so that such defence do not relate to any formality in the proceedings on the trial: And that when any slave shall be convicted, by virtue of this act, the commissioners, sitting on the trial, shall put a valuation in money upon such slave, and certify the same to the next session of Assembly, that they may be enabled to make a suitable allowance to the master or owner.

Masters may appear at the trial, in defence of their slaves. The value of slaves executed shall be paid by the public.

XI. And for preventing the mischiefs that may happen by the corrupt and precarious evidence of negroes, mulattoes, and indians, if they should be admitted as lawful witnesses in courts of justice, *It is hereby further enacted,* That no negroe, mulattoe, or indian, whether a slave, or free, shall be admitted in any court of record, or before any magistrate of this colony, to be sworn as a witness, or give evidence in any cause whatsoever, except upon the trial of a slave for a capital offence.

In what cases negroes, mulattoes, and Indians may, or may not, be witnesses.

XII. *Provided nevertheless,* That any free negroe, mulattoe, or Indian, being a christian, shall be admitted in any court, or before a justice of peace, to be sworn as a witness, and give evidence, against or between any other negroes, mulattoes, or indians, slave or free, in any cause, civil or criminal.

XIII. And to prevent the inconveniences arising by the meetings of slaves, *Be it further enacted by the*

No person shall permit other men's slaves to remain upon his plantation.

authority aforesaid, That if any master, mistress, or overseer of a family, shall knowingly permit or suffer any slave, not belonging to him, or her, to be and remain upon his, or her plantation, above four hours at one time, without leave of the owner or overseer of such slave, he, or she, so permitting, shall forfeit and pay one hundred and fifty pounds of tobacco, for every such offence; and every owner, or overseer, of a plantation, who shall so permit, or suffer more than five negroes, or slaves, other than his, or her own, to be and remain upon his, or her plantation, or quarter, at any one time, shall forfeit and pay five shillings, or fifty pounds of tobacco, for each negroe, or slave above that number: Which said several forfeitures shall be to the informer, and recoverable, with costs, before any justice of peace of the county where such offence shall be committed.

Proviso.

XIV. *Provided alway*, That nothing herein contained shall be construed to prohibit the negroes, or slaves, of one and the same owner, tho' seated at different quarters, from meeting, with their owners or overseers leave, upon any plantation to such owner belonging; nor to restrain the meeting of slaves, on their owners or overseer's business, at any public mill, so as such meeting be not in the night-time, nor on a Sunday; nor to prohibit their meeting on any other lawful occasion, by license in writing from their owner, or overseer; nor their going to church, and attending divine service on the Lord's day, or any other day of public worship.

Punishment of persons present at unlawful meetings of slaves.

XV. *And be it further enacted by the authority aforesaid*, That if any white person, free negroe, mulattoe, or Indian, shall at any time be found in company with slaves, at any unlawful meeting, or shall harbour, or entertain any slave, without the consent of his, or her owner, such person, being thereof convicted, before any justice of peace, shall forfeit and pay fifteen shillings, or one hundred and fifty pounds of tobacco, for every such offence, to the informer, recoverable with costs, before such justice, or, on failure of present payment, shall receive on his, or her, bare back, twenty lashes, well laid on, by order of the justice, before whom such conviction shall be: And every slave, present at any unlawful meeting, shall be by the justice, ordered to receive any number of lashes, not exceeding thirty nine.

XVI. And that every justice of peace within this colony, upon his own knowledge of such unlawful meeting, or information thereof to him made, within ten days after, shall forthwith issue his warrant, to apprehend the persons so met, or assembled, and cause them to be brought before himself, or any other justice of his county, to be dealt with as this act directs; and every justice failing herein, shall forfeit and pay fifty shillings, or five hundred pounds of tobacco, for every such failure; and every sheriff who shall fail, upon knowledge, or information of such meeting, to endeavour to suppress the same, and bring the offenders before some justice of peace, to receive due punishment, shall be liable to the like penalty of fifty shillings, or five hundred pounds of tobacco; both which penalties shall be to the informer, and recoverable with costs, by action of debt, in any county court; and every under sheriff, or constable, who, upon knowledge, or information of such meeting, shall fail to perform his duty in suppressing the same, and apprehending the persons so assembled, shall forfeit and pay two hundred pounds of tobacco for every such failure, to the informer, recoverable with costs, before any justice of the county, wherein such failure shall be.

Duty of justices, sheriffs, and constables, in suppressing unlawful meetings.

XVII. And that if any slave shall presume to come, and be upon the plantation of any person whatsoever, without leave in writing, from his, or her owner, or overseer, not being sent upon lawful business, it shall be lawful for the owner, or overseer of such plantation, to give, or order, such slave ten lashes, on his, or her bare back, for every such offence.

Slaves going abroad, without leave, shall be whipped.

XVIII. And be it further enacted, by the authority aforesaid, That no slave shall go from the plantation, or seat of land whereon he, or she, is appointed to live, without a certificate of leave, in writing, from his, or her owner, or overseer, or by their express order: And that no negroe, mulattoe, or Indian whatsoever, shall keep, or carry any gun, powder, shot, club, or other weapon, whatsoever, offensive, or defensive, but all and every gun, weapon, and ammunition, found in the custody or possession of any negroe, mulattoe, or Indian, may be seized by any person, and upon due proof thereof made before any justice of peace, of the county where such seizure shall be, shall by his order, be forfeited to the seizer, for his own use; and moreover, every such offender shall have, and receive, by

Arms and ammunition, in custody of a negroe, mulattoe, or Indian, may be seized, and the offender whipped.

order of such justice, any number of lashes, not exceeding thirty nine, on his, or her bare back, well laid on, for every such offence.

But free negroes, &c. and all such as live in the frontiers, may be licensed to keep arms.

XIX. *Provided nevertheless,* That every free negro, mulattoe, or Indian, being a house keeper, may be permitted to keep one gun, powder, and shot: And all negroes, mulattoes, and Indians, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons, offensive, or defensive, by licence, from a justice of peace, of the county wherein such plantations lie, to be obtained upon the application of free negroes, mulattoes, or Indians, or of the owners of such as are slaves.

Negroes, mulattoes, or Indian, lifting his hand against a christian white person, shall have thirty lashes.

XX. *And be it further enacted, by the authority aforesaid,* That if any negro, mulattoe, or Indian, bond or free, shall at any time, lift his, or her hand, in opposition to any christian, not being a negro, mulattoe, or Indian, he, or she so offending, shall for every such offence, proved by the oath of the party, before a justice of peace, of the county where such offence shall be committed, receive thirty lashes, on his, or her bare back, well laid on, by order of such justice.

Process against out-lying slaves.

XXI. And whereas many times slaves run away, and lie out hid, and lurking in swamps, woods, and other obscure places, killing hogs, and committing other injuries, to the inhabitants of this colony, *Be it therefore further enacted, by the authority aforesaid,* That in all such cases, upon intelligence given of any slave's lying out, as aforesaid, any two justices of the peace, one being of the *quorum*, of the county wherein such slave is supposed to lurk, or do mischief, shall be, and are impowered and required, to issue proclamation against all such slaves, reciting their names, and owners names, if known, and thereby requiring them, and every of them forthwith to surrender themselves; and also empowering the sheriff of the said county, to take such power with him, as he shall think fit, and necessary, for the effectual apprehending such out-lying slave, or slaves, and go in search of them: Which proclamation shall be published on two sabbath days, at the door of every church in the said county, by the clerk, or reader, immediately after divine service; and in case any slave, against whom proclamation hath been thus issued, and twice published at any church, as aforesaid, stay out, and do not immediately return home, it shall be lawful for any

person, or persons whatsoever, to kill and destroy such slaves, by any ways or means, without accusation, or impeachment of any crime for the same.

XXII. And that if any slave shall happen to be killed, in executing such proclamation, as aforesaid, or in dispersing unlawful assemblies, pursuit of rebels, or conspirators, or seizing the arms, or ammunition, of such as by this act are prohibited to keep the same, the court of the county where such slave shall be so killed, upon application of the owner, and due proof before them made, shall value the slave so killed, and certify such valuation to the next session of Assembly, that a suitable allowance may be made to the owner.

Slaves killed in executing this act, shall be valued and paid for by the public.

XXIII. And that where any slave shall happen to die, by reason of any stroke, or blow given, during his, or her correction, by his, or her owner, or by reason of any accidental blow whatsoever, given by such owner, no person concerned in such correction, or accidental homicide, shall be liable to any prosecution, or punishment for the same, unless upon examination before the county court, it shall be proved, by the oath of at least one lawful and credible witness, that such slave was killed wilfully, maliciously, or designedly; and no person indicted for the murder of a slave, and upon trial found guilty of manslaughter only, shall incur any forfeiture, or punishment, for such offence, or misfortune.

Homicide of slaves, where it's not wilful or malicious, dispensable.

XXIV. And that where any slave shall be notoriously guilty of going abroad in the night, or running away, and laying out, and cannot be reclaimed from such disorderly courses, by the common methods of punishment, it shall be lawful for the county court, upon complaint, and proof thereof to them made, by the owner of such slave, to order and direct such punishment, by dismembering, or any other way, not touching life, as such court shall think fit: And if such slave shall die by means of such dismembering, no forfeiture, or punishment, shall be thereby incurred.

Incorrigible slaves may be punished by dismembering, or otherwise, not touching life.

XXV. *Provided always*, That nothing herein before contained shall be construed to bar the action of any person whose slave, or slaves, shall be killed, by any other person, or persons whatsoever, or shall die through the negligence of any surgeon, or other person, undertaking the dismembering, or cure of any slave, so punished by order of court; but every owner shall and may have the same remedy, for the death,

But the owner of slaves killed by any other person, or dying through negligence of his surgeon,

may have legal remedy and loss of his, or her slave, or slaves, as he, or she, might have had if this act had never been made.

Slaves freed without legal licence, may be sold by the churchwardens. *XXVI. And be it further enacted, by the authority aforesaid, That no negroe, mulattoe, or Indian slave, shall be set free upon any pretence whatsoever, except for some meritorious services, to be adjudged and allowed by the governor, and council, for the time being, and a licence thereupon first had, and obtained; and if any slave shall be otherwise set free, it shall be lawful for the churchwardens of the parish, wherein he, or she, shall reside the space of one month, next after his, or her, being so freed, and they are hereby authorised and required to take up, and sell him, or her, as a slave, by public auction, at the next court held for that county, and to apply the monies, arising by such sale, to the use of their parish, towards lessening the levy thereof.*

Repealing clause *XXVII. And be it further enacted, by the authority aforesaid, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.*

Commencement of this act. *XXVIII. And be it further enacted, by the authority aforesaid, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.*

CHAP. XXXIX.

An Act for making provision against Invasions and Insurrections.

Preamble. **I. WHEREAS** the frontiers of this dominion, being of great extent, are exposed to the invasions of foreign enemies by sea, and incursions of Indians at land, and great dangers may likewise happen by the insurrections of negroes, and others, for all which the militia settled by law is the most ready defence: And forasmuch as the militia of those counties, where any the dangers aforesaid shall arise, must necessarily be

first employed, and may by the divine assistance, be able to suppress and repel such insurrections, and invasions, without obliging that of the other counties to be raised; and it being reasonable, that such services as shall be performed by any part of the said militia, be rewarded at the public charge.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That upon any invasion of an enemy by sea, or land, or upon any insurrection, the governor, or commander in chief of this dominion, for the time being, shall have full power and authority to levy, raise, arm, and muster, such a number of forces, out of the militia of this colony, as shall be thought needful for repelling the invasion, or suppressing the insurrection, or other danger, and the same to lead, conduct, march, transport, and employ, or by his lieutenants, commanders, or other officers, by him commissioned, to cause to be led, conducted, marched, transported, and employed, as well within the several counties, and places to which they belong, as into any other counties and places within this dominion, for the suppressing and repelling of all such insurrections and invasions, and such forces again to discharge, and disband, as the cause of danger ceases.

The Governor's authority in cases of invasion, or insurrection.

III. And be it further enacted, by the authority aforesaid, That every officer of the militia, to whom notice shall be given of any insurrection, or invasion, shall have full power and authority, by virtue of this act, and is hereby required, forthwith to raise the militia under his command, and to send immediate intelligence to the county lieutenant, or in his absence to the chief commanding officer, residing in the county, and to the next militia officer in the same county, informing them, at the same time, in what manner he intends to proceed; and in the mean time, shall keep the militia under his command under arms, until he receives orders from his superior officer: And every county lieutenant, or chief commanding officer in any county, to whom such intelligence shall be given, of any insurrection or invasion, shall forthwith dispatch an express, to the governor or commander in chief of this dominion, for the time being, notifying the danger, and shall therewith signify, in the best manner he can, the strength and motions of the enemy; and

Militia officer's power and duty.

for that purpose, such county lieutenant, or other commanding officer, hath hereby full power to impress boats and hands, men and horses, as the service may require for the dispatch of such intelligence; and until orders shall arrive from the governor, shall draw together the militia of his county, in such place or places, as he shall judge most convenient for opposing the enemy.

Penalties on them if they neglect or refuse to obey orders.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer, of the militia, who upon occasion of any invasion or insurrection, shall receive any orders or instructions, from the governor or commander in chief for the time being, or from any other his superior officer, either for calling together the soldiers, or marching them to any particular place, shall neglect or refuse to execute such orders and instructions, in the best manner he is capable, every such officer so neglecting or refusing, shall respectively, forfeit and pay the sum following, that is to say, every lieutenant of a county, the sum of fifty pounds, every colonel, lieutenant colonel, or major, thirty pounds, and every captain, lieutenant, cornet, or ensign, twenty pounds; and every soldier who shall be summoned to appear, upon any such occasion, and shall fail so to do, or shall fail to bring with him his arms and accoutrements, together with one pound of powder, and four pounds of ball, shall forfeit and pay the sum of ten pounds; one moiety of all which forfeitures shall go to our sovereign lord the king, his heirs and successors, for and towards the better supplying with arms that county where such offence shall be committed, and the other moiety to him or them that will inform or sue for the same, to be recovered with costs, by action of debt, or information, in any court of record wherein the same shall be cognizable.

On soldiers failing to appear, or coming unarmed.

The manner of impressing provisions, carriages, tools, workmen, &c for military service.

V. *And be it further enacted, by the authority aforesaid,* That upon raising or continuance of forces as aforesaid, it shall and may be lawful, by warrant under the hand and seal of any county lieutenant, colonel, lieutenant colonel, or major, commanding any part of the same, to impress and take up necessary provisions, of and from any person or persons, and to impress and take up sloops and boats, necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeake, together with the rigging, tackle, furniture, and apparel belonging thereunto,

and also all manner of carts, waggon, draught horses, or oxen, or other conveniencies for the land carriage of provisions, great guns, arms and ammunition, from place to place, and likewise any manner of utensils, tools or instruments, which shall or may be wanted for digging or entrenching, or towards the mounting the great guns, and making them useful: and further, that it shall be lawful, by warrant as aforesaid to impress able and fit men, to go in sloops or boats, and also any smith, wheelwright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any other work whatever, where need shall be of such artificer.

VI. *Provided always*, That it shall not be lawful to make use of any provisions, utensils, tools or instruments, so impressed and taken up, until appraisement thereof hath been made, in tobacco, by two good and lawful men upon oath, nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisement made of the same, with the appurtenances belonging thereto, and also an estimate made by the same men, of a suitable allowance in tobacco, by the day, for the use of such sloop, boat, cart, or waggon, with the draught horses or oxen, and appurtenances thereto belonging; which every person so impressing, is hereby required, to cause to be made, and to give a receipt to the owner, of every particular by him impressed and taken up, and certifying how the same was appraised and estimated, and for what use and service impressed, upon pain of being liable to the action of the party grieved, for an unlawful seizure.

But appraisement and estimate must be first made.

VII. And for the better discovery of the approach of enemies by sea, *It is hereby further enacted*, That in each of the counties of Elizabeth City, Princess Anne, and Northampton, at such times and places as the governor or commander in chief of this dominion shall think fit to direct, one man be appointed by the chief officer of the militia, residing in each of the said counties respectively, which man shall keep a constant look out to seaward, by night and by day, and diligently observe the courses and motions of all such ships or vessels, as they, or either of them, shall discover upon the coast; and if, upon such observation, such person shall suspect the said ships or vessels to belong to an enemy, he shall immediately give notice

Look-outs to be appointed for discovery of enemies by sea.

thereof to the next field officer in his county, who is thereupon to transmit an account thereof to the governor or commander in chief, and to the county lieutenant, or chief commanding officer of the militia in the said county.

Militia to be paid by the public.

VIII. *And be it further enacted, by the authority aforesaid,* That there shall be raised and paid, by the public, to the officers and soldiers drawn out into actual service, by virtue of this act, and to the look outs appointed in manner aforesaid, after the rates following, *to wit:*

To the county lieutenant or commander in chief, seventy

HORSE.

A Colonel,	sixty.
Lieutenant Colonel,	fifty.
Major,	fifty.
Captain,	thirty.
Lieutenant,	thirty.
Cornet,	twenty-five.
Quarter-Master,	twenty-five.
Corporal,	twenty-two.
Trumpeter,	twenty-two.
Trooper,	twenty.

FOOT.

A Colonel,	fifty.
Lieutenant Colonel,	forty.
Major,	forty.
Captain,	thirty.
Lieutenant,	twenty-five.
Ensign,	twenty.
Serjeant,	eighteen.
Drummer,	eighteen.
Soldier,	fifteen.

Pounds of Tobacco per day.

A look out after the rate of two hundred pounds of tobacco per month.

Must find their own horses, arms, &c. and when discharged in two days, no pay.

IX. *Provided always,* That for the pay aforesaid, every trooper shall find and provide himself with a horse, and horse furniture, arms and ammunition; and every foot soldier, with a foot soldier's arms and ammunition; and that when any part of the militia, raised as aforesaid, shall be discharged again within two days, no pay or allowance shall be given for the same, but every man shall bear his own charges; and when they shall be kept in service above two days, then the whole time shall be paid for, and allowed as aforesaid.

X. *And be it further enacted by the authority aforesaid*, That for any message sent according to the directions of this act, either by land or water, the same allowance shall be made, as is by law given for other public expresses. Messengers to be paid as public expresses.

And that every smith, wheel-wright, carpenter, or other artificer, impressed and employed as aforesaid, shall be paid and allowed by the public, after the rates following, *to wit*, every smith, fifty pounds of tobacco per day, and every carpenter, wheel-wright, or other artificer, forty pounds of tobacco per day, and every man impressed to go in a sloop or boat, fifteen pounds of tobacco per day: And that the owner or owners of any provisions, utensils, tools, or instruments, impressed as aforesaid, shall be paid for the same, by the public, according to the value thereof, upon appraisement, made as by this act directed; and that the owner or owners, of any sloop or boat, cart or waggon, with horses or oxen, as aforesaid impressed and employed, shall be paid by the public, for the use of the same, according to the estimate thereof, made as herein before required, and in case such sloop or boat be cast away or lost, or any cart, waggon, draught horse, or ox, destroyed or killed in the service, then the owner or owners thereof shall be paid for the same according to the appraisement thereof, and half the pay for the use. Artificer's pay.
Watermen, Provisions, tools, &c.
Vessels and carriages, horses and oxen.

And if any such sloop, boat, cart, or waggon, be damaged, or any such horses or ox, hurt or disabled in the service, satisfaction shall be made to the owner or owners thereof, according to the damage received, besides the pay for the use: *Provided always*, That all such damage shall be inquired and found by two indifferent persons, upon oath, to be chosen and appointed by any justice of peace of the county where such sloop, boat, cart, or waggon, so damaged, or horse or ox hurt or disabled, shall happen to be.

XI. And to the end a sufficient number of men may be appointed for guarding the batteries, erected in the several rivers of this dominion, and to assist in the better managing the great guns there mounted, when occasion shall be, *It is hereby further enacted*, That it shall be lawful for the governor or commander in chief of this dominion, for the time being, to appoint and assign such a number of the militia, residing next to the several batteries respectively, as he shall think Guards for the batteries.

fit to attend the said batteries, under the command of such officer or officers, and under such order and discipline, as he shall appoint and direct: which said militia shall, from thenceforth, be exempted from all private musters, except at such battery only.

Public arms. XII. And whereas it may be necessary in time of danger, to arm part of the militia, not otherwise sufficiently provided, out of his majesty's magazine, and other stores within this colony, *Be it further enacted, by the authority aforesaid,* That if any person or persons, so armed out of his majesty's stores, shall detain or imbezzle any arms, accoutrements, or ammunition, to him or them delivered for the public service, and shall not produce and re-deliver the same, when ordered and required so to do, it shall be lawful for the respective county lieutenants, or chief commanding officers residing within their counties, by warrant under his or their hands, to commit such offender to prison, there to remain till he shall make satisfaction for the arms, accoutrements, or ammunition, by him detained or imbezzled.

**Commence-
ment and du-
ration of this
act.** XIII. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force from and after the passing thereof, for and during the term of seven years, from thence next following, and no longer: And that all and every other act and acts, clause and clauses, heretofore made for and concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

**Repealing
clause.**

CHAP. XL.

An Act to restrain the keeping too great a number of horses and mares, and for amending the breed.

Preamble

I. WHEREAS the keeping too many horses or mares, by persons who have no freehold, or tenancy in lands, and suffer the same to run at large upon the lands of other persons, is not only prejudicial to the breed of horses, but also to the stocks of cattle, and sheep, of the freeholders of this colony:

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any person, being an inhabitant of this colony, and not having a freehold of fifty acres of land, or possessed of, and occupying lands, or tenements, of the value of twenty pounds, or not being a tenant, and occupying lands, or tenements, for which he pays five hundred pounds of tobacco, or fifty shillings current money, or more, annual rent, shall presume to keep any stoned horse, or breeding mare, or any more than one gelding, or one spaid mare, it shall be lawful for any other person, being a freeholder, or tenant, qualified according to this act, to take up, and seize, every horse, mare, or colt, kept contrary to this act, and running at large, but the person taking up the same shall give notice thereof, to the owner, in writing, within three days after taking, and three days, at least, before the next court, to be held for the county wherein such owner lives; and if he, or she, shall not appear, at the said court, and make it appear, that he, or she, is an inhabitant of some place, not within this colony, or is a freeholder, occupier, or tenant, as aforesaid, every such horse, mare, gelding, and colt, shall be forfeited to the seizer, for his own use, and he shall have the property thereof; and if such notice be not given, three days before the next court after such taking up, the owner shall not be obliged to appear 'till the court held next after expiration of the said three days.

Who may not keep more than 1 gelding, or spaid mare.

The forfeiture, and how to be recovered.

III. And that no overseer, not being a freeholder, in the county wherein he lives, nor any servant, whatsoever, shall be owner of any unspaid mare, or keep any horse, mare, or colt, without the licence in writing, of his master, or mistress; neither shall keep more than one, altho' so licenced, upon pain of forfeiting every such horse, mare, or colt, to any person who will inform for the same, recoverable before any justice of peace of the county wherein such offence shall be committed.

Overseers and servants may keep one gelding, or spaid mare, if licenced by their master.

IV. And for the better improving the breed of horses, Be it further enacted, by the authority aforesaid, That no person whatsoever shall keep upon any lands, not having a sufficient fence, any stoned horse, being of the age of two years, or more, and not of the height of thirteen hands, and a half, each hand containing four inches, standard measure, from the lowest part of the hoof,

Stoned horses under 13 1-2 hands high, two years old, or more, found at large, may be seized.

And forfeited to the seisor.

of the fore foot, to the highest part of the withers, upon pain of forfeiting every such stoned horse, found at large, upon any uninclosed grounds, or forty shillings current money, in lieu thereof: And it shall be lawful for any person being a freeholder, or tenant qualified according to this act, to seize any such horse found at large as aforesaid, and bring him before a justice of peace of the county where so taken; and upon oath before him made, by the seisor, and one or more credible witness, or witnesses, that such horse was found, and taken up, running at large, upon uninclosed ground, such justice is hereby authorised, and required, forthwith to cause the same to be measured; and if it shall appear, that such horse is not of the size, by this act required, the justice shall grant a certificate thereof to the seisor, and thereafter he, or she shall, and may have, and keep, such horse, to his, or her, own use, as his, or her, own proper goods and chattels.

But he must give public notice.

The owner may redeem his horse, by paying forty shillings, within two months.

Repealing clause.

Commencement of this act.

V. *Provided nevertheless*, That every person who shall take up such stoned horse, and obtain certificate thereof, shall publish notice of the same, in writing, affixed at the doors of the court-house, of the county, and church, or churches, of the parish wherein such taking shall be, describing the marks, colour, and brand, of the horse, so taken up: And if within two months after such publication, the owner of such horse shall pay, or tender, forty shillings current money, to the taker up, he, or she, shall accept the same, and restore such horse to his former owner.

VI. *And be it further enacted, by the authority aforesaid*, That all and every other act and arts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

VII. *And be it further enacted*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XLI.

An Act against stealing Hogs.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, The punishment of hog-stealers, not being slaves. First offence. and it is hereby enacted by the authority of the same, That if any person not being a slave, shall steal any hog, shoat, or pig, he, or she, shall, for the first offence, receive on his, or her bare back, twenty five

lashes, well laid on, at the public whipping post of the county where he, or she, shall be convicted, or pay down ten pounds current money, to the use of the same county, towards lessening that county levy, and shall moreover, pay four hundred pounds of tobacco, for every such hog, shoat, or pig, one half to the owner thereof, and the other half to the informer, to be recovered, with costs, at the suit of the informer, by action of debt, in any county court of this dominion.

II. And if any person, other than a slave, shall offend a second time, and be thereof convicted, he, or she, shall stand two hours in the pillory, on a court day, at the court-house of the county where such conviction shall be, and have both ears nailed thereto, and, at the end of two hours, have the ears cut loose from the nails; which judgment the respective county courts of this dominion, are hereby impowered to give, and to award execution thereupon: Saving always, to the party concerned, liberty of appeal to the general court, such party giving bond, with good security, in the sum of twenty pounds sterling, for his, or her, personal appearance in the said court, according to the appeal, and to perform and abide their award; And moreover, every such offender shall pay, and satisfy, four hundred pounds of tobacco, for every stolen hog, shoat, or pig, to the owner, and informer, and to be recovered, as aforesaid; and if there be several offenders in one, and the same fact, altho' but one hog, shoat, or pig, be stolen, each person may be particularly prosecuted, and upon conviction, shall be adjudged to suffer the punishment, and pay the whole fine as aforesaid. Second offence. Where several offenders in one fact, each of them liable to the punishment.

III. And be it further enacted, by the authority aforesaid, That if any servant shall be convicted of hog-

How servants shall pay for hog-stealing.

stealing, his, or her, master, or owner, shall pay and satisfy four hundred pounds of tobacco, to be recovered, and divided, as aforesaid, whether it be for the first, or second, offence, and shall be repaid for the same, and costs of suit, by further service of such offender, after his, or her time, due by indenture, contract, or former judgment, shall be expired, at the rate of one hundred and fifty pounds of tobacco, for one month's service, and judgment shall be entered up accordingly.

How slaves shall be prosecuted, and punished for hog-stealing.

IV. *And be it further enacted by the authority aforesaid,* That when any slave, or slaves, shall hereafter steal any hog, shoat, or pig, it shall be lawful for any justice of peace, of the county where such offence shall be committed, upon complaint, or information thereof, to him made, to cause such offender, or offenders, and the witness, or witnesses, to come before him, and if, upon examination, any slave, or slaves, appear to be guilty, to commit him, her, or them, to prison, or bind every such offender, with security, to appear personally before the court, next thereafter to be held, for his county, to answer such complaint, or information, and to abide the judgment of the said court: And the justices thereof are hereby required, to direct the person appointed to prosecute for the king, in the same court, to exhibit a charge, or complaint, in writing, against such slave, or slaves, for such offence; whereupon it shall be lawful for the said court to hear, and determine the matter of such charge, or complaint, without any jury, and to receive, as evidence against the slave, or slaves, so charged, the confession of the offender, the oath of one or more credible witnesses, or such testimony of negroes, mulattoes, or Indians, bond or free, as to them shall seem convincing: And if, in the opinion of such court, the slave, or slaves, so charged, is, or are, guilty, every such offender shall, for the first offence, receive thirty nine lashes, on his, or her, bare back, well laid on, at the public whipping post; and upon a second conviction, shall stand two hours in the pillory, with both ears nailed thereto, and then cut loose, as is herein before directed: And if any negroe, mulattoc, or Indian, (not being a christian) shall, upon due proof made, or pregnant circumstances appearing to any county court, be found to have given false testimony, on the trial of any slave, for the first, or second offence of hogsteal-

First offence.

Second offence.

Punishment of false witnesses.

ing, every such offender, without further trial, shall be, by such court, ordered to receive the same corporal punishment, as the slave, tried for hogstealing, would receive upon conviction; and the first justice in commission, sitting at such trial, shall before the examination of such negroe, mulattoe, or Indian, charge such evidence to speak the truth, and shall also inform him, or her, of the consequence of giving false testimony.

V. *And be it further enacted by the authority aforesaid*, That if any person whatsoever, shall be the third time convicted of hogstealing, every such offender, shall be adjudged a felon, and shall suffer death, without benefit of clergy. Third offence of hogstealing, felony, no clergy.

VI. *And for the more effectual prevention of hogstealing, It is hereby further enacted*, That if any person shall bring, or cause to be brought, to his, or her, own, or any other house, or on board any ship, sloop, or other vessel, any hog, shoat, or pig, without ears, or shall receive any such, and not immediately discover the same to a justice of peace, he, or she, so offending, shall be adjudged a hogstealer: *Provided nevertheless*, That any person may bring, or cause to be brought to his, or her, own, or any other house, or on board any ship, sloop, or other vessel, his or her own swine, tho' without ears, he, or she, proving the same to be his, or her, property. Bringing home hogs, without ears, hogstealing, unless the party proves his property.

VII. *And whereas the tributary Indians raise swine, and are suspected, under colour thereof, to steal and destroy the hogs of the other inhabitants, Be it therefore further enacted, by the authority aforesaid*, That all Indians whatsoever, keeping swine, shall give them the same mark, which hath been, or by the next adjacent county court shall be, allowed to the town to which such Indians respectively belong: And if any person, not being an Indian, shall buy or receive from any Indian, any pork, and cannot prove such pork, to be of the proper mark of the town of Indians, to which the Indian of whom the same was bought, or received, shall belong, he, or she, so offending, shall forfeit and pay one thousand pounds of tobacco; one half to the king, his heirs and successors, for and towards the support of this government, and the contingent charges thereof, the other half to the informer, to be recovered, with costs, by action of debt, in any court of record of this dominion. Indians hogs shall have the mark of their town.

Penalty on buying pork from any Indian.

Repeal of 4.
Anne, C. 14.

VIII. *And be it further enacted by the authority afore-*
said, That one act, made in the fourth year of Queen
Anne, intituled, an act against stealing hogs, be, and
is hereby repealed.

Commence-
ment of this
act.

IX. *And be it further enacted by the authority afore-*
said, That this act shall commence and be in force
from and immediately after the tenth day of June,
which shall be in the year of our lord one thousand
seven hundred and fifty one.

CHAP. XLII.

An Act for preventing losses from drivers
passing with horses and cattle through
this colony; and for laying a duty on
horses imported, and the more effectual
preventing of horse-stealing.

Preamble.

I. WHEREAS divers vagrant people travel through
this colony, from the northern provinces, to the south-
ern, peddling, and selling horses, and either buy, or
steal, great numbers of nett cattle, which in their re-
turn back, they drive through the frontier counties,
and often take away with them, the cattle of the inha-
bitants, of the said counties, under pretence that they
cannot separate them from their own droves, to the
great damage of the said inhabitants: For prevention
whereof,

The duty of
drivers of
cattle pass-
ing through
this colony.

II. *Be it enacted by the Lieutenant Governor,*
Council, and Burgesses of this present General As-
sembly, and it is hereby enacted, by the authority of the
same, That from and after the passing of this act,
every driver of nett cattle shall, immediately after
their coming into this colony, go before the next jus-
tice of the county, and produce to him a true and per-
fect manifest, certified under the hand of a magistrate,
in the province from whence they last came, wherein
shall be distinguished the sexes, ages, marks, and co-
lours, of all and every such cattle, and also, at the
same time produce bills of sale for them, and parti-

cularize the place of abode, and name of the seller, and make oath, 'That he knows of no more cattle, in his drove, than what are mentioned in the manifest, and bills of sale:' Which oath, the justice shall administer, and certify on the manifest, and shall enter in a book, by him to be kept, for that purpose, a copy of the said manifest, and certificate; and if any nett cattle shall be bought, in this colony, in order to be driven into any neighbouring province, the driver shall produce his bill of sale, to the next justice of the county where they shall be bought, and shall make oath, 'That the said bill is true, and that he knows of no more cattle, in his drove than what are mentioned in the said bill and manifest,' in case there be any: Which the justice shall enter, and certify, in manner aforesaid, and also shall add a description of the cattle so bought, to the manifest, if any; and the like method shall be used by the drivers, and justices, in all the other counties, in this colony, through which they pass, upon their arrival therein: And if any driver shall fail herein, he, she, or they, shall forfeit, and lose, his, her, or their, whole drove of cattle. And any justice of the peace, upon complaint to him thereof made, is hereby impowered to issue his warrant, to the sheriff, or any constable of his county, forthwith to raise sufficient force, and to seize the cattle, and cause the driver, or drivers, to come before him, or any other justice of the county, who is hereby impowered to hear the matter, and give a final judgment therein, and to order the cattle, if he shall judge them forfeited, to be sold by the sheriff, in the same manner as goods taken in execution: And the sheriff shall be allowed the same fee for the service, and shall also be allowed for keeping and providing, for the said cattle, until they are sold, after the rate of two pence per head, for every twenty four hours, out of the money arising from the sale: But in case any person, or persons, other than the driver, or drivers, so convicted, or their employers, shall appear before the justice before whom the judgment was obtained, before the cattle are sold, and shall make his, her, or their, property, in any of them appear, the sheriff shall, by order of such justice, restore the same to such owner, or owners, upon payment of the charge of their keeping: Or if any owner or owners shall, within three months after the sale, make their property appear, as aforesaid,

Penalty on
failure.

Sheriff's fees
on the sale
of cattle,
sold in pur-
suance of
this act.

Persons
claiming cat-
tle seized or
sold, shall
have relief.

Appropriation of the seizure.

the sheriff shall pay him, her, or them, by order of the justice, for their cattle, according to the sale, after deducting a proportionable part of the charges; and at the expiration of the said three months, the money arising from the sale shall be appropriated, one moiety to the churchwardens of the parish where the driver shall be convicted, for the use of the parish, and the other moiety to him, her, or them, who did inform or prosecute, and shall be paid them by the sheriff accordingly; and the sheriff shall return an account of the sales, to the clerk's office, to be lodged among the records of the county.

Persons excepted out of this act.

III. *Provided always*, That nothing herein contained shall be contrued to extend to any of the inhabitants of this colony, who shall buy any nett cattle, and be driving them home, or to any persons coming with their families, and stocks, to settle in this colony.

Preamble.

IV. And whereas the importation of horses, is of no advantage to this colony, the stock of them being already sufficient for the inhabitants, and the importers commonly vagrant people, who drain great sums of money out of this government, and pay nothing towards the support thereof.

Duty on horses imported.

V. *Be it further enacted, by the authority 'aforesaid*, That from and after the passing of this act, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all horses, mares, and colts, imported, or brought into this colony, for sale, either by land, or water, from any place or port whatsoever, in America, by the owner, or importer thereof, ten pounds for every such horse, mare, or colt, to be appropriated to such uses, as the General Assembly shall from time to time direct.

Collectors, and their salary.

VI. *And be it further enacted*, That the governor, or commander in chief of this colony, for the time being, with the advice of the council, shall and may appoint such, and so many, collectors of the duty imposed by this act, as he shall think fit; which collector shall reside near the frontiers of this colony, and shall be allowed a salary of six in the hundred, for receiving the said duty, and shall account for the same to the treasurer of this colony, for the time being, in such manner, and under such penalty, as the collectors of the duty upon liquors, are obliged to account.

VII. *And be it further enacted*, That the importers of every horse, mare, or colt, liable to pay duty, by

virtue of this act, bringing any such horse, mare, or colt, into any place, or port, within this colony, shall within six days next after his arrival, and before he offers the same to sale, make a true and just entry, upon oath, with the next collector of the duty, of the size, colour, mark, or brand, of every such horse, mare, or colt, and also of the name, and place of abode, of the owner, and last owner thereof, and shall at the same time pay down the duty, or give bond to the said collector, with one security, at the least, who shall be a known, and responsible inhabitant, or inhabitants, of this colony, for the payment of the said duty within three months: And the importer failing to make such entry, pay down the duty, or give security, as aforesaid, or making a false entry, shall forfeit and pay one hundred pounds; and every horse, mare, or colt, by him imported, shall and may be seized by any magistrate, or officer whatsoever, and shall be forfeited and sold: And if any collector, or collectors, of the duty imposed by this act, or any other person, or persons, deputed and appointed, by or under them, or any of them, or any other authority whatsoever, shall directly or indirectly, take, or receive, any bribe, recompence, or reward, in any kind whatsoever, or shall connive at any false entry of any horses, mares, or colts, liable to a duty, or custom, by virtue of this act, by means whereof, the duties or customs shall be lost, the person or persons therein offending, shall forfeit and pay the sum of one hundred pounds, and be forever afterwards, disabled in his said office, and rendered incapable of holding any office, or employment, relating to the customs, within this colony, and dominion; and the person or persons giving or paying any such bribe, reward, or recompence, shall forfeit and pay one hundred pounds.

The method of entry, and payment of the duty.

Penalty on making false entry, or not paying or securing the duty.

On officers taking bribes, or conniving at a false entry.

VIII. *Provided always, and be it further enacted,* That if the importer of any horses, mares, or colts, which the duty according to this act, shall be paid, or secured to be paid, shall within three months after the importation thereof, into this colony, be willing to export the same, he shall make oath, before the collector, with whom at their importation they were entred, that the horses, mares, or colts, to be exported, are the same that were entred, and that he hath not sold or swapped them since their entry, and that the said horses, mares, or colts, shall be exported out of this colony, within three days, and shall not be sold,

Drawback upon exportation in 3 months.

or swapped therein; and then it shall be lawful for the said collector, and he is hereby required and enjoined, to allow the said importer the whole duty, or customs, paid for the said horses, mares, or colts, so to be exported, any thing in this act contained, to the contrary, in any wise notwithstanding: And every person making a false oath, in this respect, shall be liable to and suffer the penalties inflicted by law, for wilful and corrupt perjury, and moreover, such horses, mares, or colts, so to be exported, shall be forfeited, and sold.

Collectors shall give receipts, for duties paid or secured.

Importer not producing the collector's receipt, liable to the penalties of this act.

Travellers, and persons coming to settle here, exempted out of this act.

IX. And be it further enacted, by the authority aforesaid, That every collector, upon receipt of the duty by this act imposed, or taking bond for the same, is hereby enjoined, and required, to give a receipt under his hand, for the money by him received, or bond taken, expressing the number of horses for which the same were paid, or bond taken, and the time of payment or taking thereof, with a description of such horses, to the person paying or giving the same: And every importer, liable to the payment of the duty by virtue of this act, shall, if thereto required, by any officer, or magistrate, in this colony, at any time after the expiration of three days, from the time of such importation, produce and show to the said officer, or magistrate, such receipt: And if such importer shall fail to produce such receipt, such failure shall be taken for a conviction, that the duty, for which no receipt shall be produced, hath not been duly answered, and such importer shall be liable to the penalties by this act inflicted, and such horses shall and may be seized and forfeited, for not making an entry.

X. Provided always, That nothing in this act contained, shall extend, or be construed to extend, to any traveller, who shall bring with him into this colony, such horses as are necessary for his journey, and shall not sell or swap the same in this colony; or to any person or persons, who shall be actually moving their families and effects into this colony, to reside therein.

XI. And whereas the crime, and offence, of stealing horses, is of late years more frequent, especially in the frontier counties of this colony, to the great detriment and loss of many of his majesty's good subjects, occasioned for want of due prosecution, and punishment, of offenders therein, and for want of encouragement to such persons as shall vigorously endeavour the apprehending of such malefactors; for prevention

whereof, *Be it further enacted, by the authority aforesaid*, That all and every person and persons, who shall apprehend, and take any person, guilty of the stealing of an horse, and shall prosecute him, her, or them, so apprehended and taken, until he, she, or they, be convicted thereof, such apprehenders or takers, for his, her, or their reward, shall have and receive the sum of ten pounds, within two months after such conviction, to be paid by the treasurer of this colony, for the time being, he, she, or they, tendering to the said treasurer, under the hand of the clerk of the general court, or court of Oyer and Terminer, a certificate of the conviction of such felon or felons, for the said offence, and in what parish the same was committed; and also, that such felon or felons was or were taken by the person or persons claiming the said reward; and in case any dispute shall arise between the parties, so apprehending the said felons, touching the right and title to the said reward, that then the judges of the general court, or court of Oyer and Terminer, before whom the felon or felons shall be convicted, respectively, shall, in and by the said certificate, direct and appoint the rewards to be paid, to and amongst the parties claiming the same, in such shares and proportions, as to the said judges shall seem reasonable: And in case any person or persons shall happen to be killed, by any such horse-stealer or horse-stealers, endeavouring to apprehend, or making pursuit after him or them, that then the executors or administrators, or such person or persons, to whom the right of the administration of the personal estate of such person so killed, shall belong, upon certificate delivered under the hands and seals of two justices of the peace of the county where the fact was committed, of such person's being so killed, (which certificate the said justices, upon sufficient proof before them made, are required immediately to give) shall receive the sum of fifty pounds, to be paid by the said treasurer.

Reward for apprehending a horse-stealer.

How to be obtained.

Reward to executors, &c. of persons killed in pursuit, or taking the felon.

XI. And whereas the horse-stealers, in this and the neighbouring colonies, have established themselves into a confederacy, for carrying on that most villainous practice, so that horses stolen here are usually handed to persons to sell, at a great distance from the place where they were stolen; and at other times horses are stolen, and afterwards turned loose, and taken up as strays, by the person who stole such

R—Vol. 6.

horses, in order to screen themselves from the penalty of the law; for preventing which mischiefs for the future.

Horses imported for sale, or sold, without certificate, forfeited.

XII. *Be it further enacted, by the authority aforesaid,* That no person or persons whatsoever, shall pass through this colony with led horses, or expose to sale any horse, mare, or colt, without producing a separate certificate, under the seal of the colony, from whence he, she, or they shall bring the same, setting forth the size, colour, flesh marks, and brand of such horse, mare, or colt, together with such persons property therein, to any person or persons, demanding a sight of the same. And every importer of horses into this colony, for sale, shall with every horse, mare, or colt, he, she, or they shall sell, deliver to the purchaser thereof such certificate; which certificate such purchaser shall in like manner produce, to any person or persons demanding a sight of the same, and in case such importer or purchaser shall fail, or refuse to produce such certificate, when thereto required as aforesaid, every horse, mare, or colt, for which no such certificate shall be produced, shall be forfeited.

Accessories in horse stealing.

XIV. And forasmuch as felons are much encouraged to steal horses, because a great number of persons make a trade, to receive and buy of such felons the horses by them feloniously taken, and also do make it their business to conceal such offenders, after the said fact, knowing such felonies to be by them committed; *Be it therefore enacted by the authority aforesaid,* That if any person or persons shall receive, or buy, any horse that shall be feloniously taken, or stolen, from any other person, knowing the same to be stolen; or shall harbour or conceal any horse-stealer, knowing him, her, or them to be so, such person or persons shall be taken and received as accessory or accessories to the said felony, and being of either of the said offences legally convicted, by the testimony of one or more credible witness or witnesses, shall incur and suffer the pain of death, as a felon convict.

May be prosecuted, although the principal felon not convicted.

XV. *Provided always,* That if any such principal felon cannot be taken, so as to be prosecuted and convicted of any such offence, yet nevertheless it shall and may be lawful, to prosecute and punish every such person and persons, buying or receiving any horses stolen. by any such principal felon, knowing the same to be stolen, as for a misdemeanor, to be

punished by fine and imprisonment, or other such corporal punishment as the court shall think fit to inflict, altho' the principal felon be not before convict of the said felony, which shall exempt the offender from being punished as accessory, if such principal felon shall be afterwards taken and convicted.

XVI. *And be it further enacted*, That the several forfeitures which shall or may arise, by virtue of this act, in respect of the duty on horses, shall be divided into two equal parts, one moiety whereof shall be to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other moiety to him or them that will inform and prosecute for the same, to be recovered with costs, by action of debt or information, in any court of record within this colony, wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed.

XVII. *And be it further enacted, by the authority* Repealing
clause. *aforsaid*, That one act of Assembly, made in the eighteenth year of his present majesty's reign, intituled, An Act for continuing and amending an act for preventing losses from drivers, passing with cattle through this colony, and for laying a duty on horses; and all and every other act and acts, relating to any thing within the purview of this act, shall be, and the same is and are hereby repealed and made void, any thing in the said act or acts contained to the contrary, in any wise notwithstanding.

CHAP. XLIII.

An Act for repealing several acts of Assembly therein mentioned.

WHEREAS the several acts of Assembly, herein after mentioned, are become either useless, obsolete, or otherwise provided for: *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same*, That the said several acts of As-

The titles of
acts hereby
repealed.

sembly herein after mentioned, that is to say, the following acts continued or made in the thirteenth year of the reign of king Charles the second, to wit, chapter the fourteenth, intituled, Burial of servants or others privately, prohibited; chapter the sixty first, intituled, Judgment before Commissioners; chapter the sixty second, intituled, Persons removing into the bay; chapter sixty third, intituled, English weights and measures; chapter the sixty seventh, intituled, Orphans land not to be aliened; chapter the seventieth, intituled, Seating upon others dividends; chapter the hundred and twelfth, intituled, Two acres of corn for each tithable; chapter the hundred and sixteenth, intituled, Exportation of money; also, an act made in the fourteenth year of the said king's reign, intituled, An act against persons that refuse to have their children baptized; also, one other act made in the same year, intituled, An act for punishment of scandalous persons; also, an act made in the fifteenth year of the same reign, intituled, An act concerning the Northern Indians; also, one act made in the eighteenth year of the said reign, intituled, An act commanding law books to be provided for each county; also, an act made in the twentieth year of the same reign, intituled, An act impowering county courts to build workhouses, assisted by the vestries; and one other act made in the same year, intituled, An act concerning the property of tobacco; also, an act made in the twenty fourth year of the same king, intituled, An act for suppressing vagabonds and disposing of poor children to trades; also, an act made in the twenty sixth year of the same reign, intituled, An act prohibiting the justices of the several county courts from levying tobacco upon the people for their accommodation and expences, whilst they are keeping court; also, an act made in the thirty second year of the same reign, intituled, An act reviving and reinforcing an act made at James-city the twentieth day of October, one thousand six hundred and sixty five, and putting the same in due execution; also, an act made in the thirty fourth year of the same reign, intituled, An act imposing further penalties upon any person or persons that shall publish or declare, that the acts of Assembly of Virginia, are not in force; also, an act made in the thirty sixth year of the same reign, intituled, An act for the better preservation of the peace of Vir-

ginia, and preventing unlawful and treasonable associations; also, an act made in the third year of the reign of king William, and queen Mary, intituled, An act declaring the duty of Tanners, Curriers, and Shoemakers; also, an act made in the fourth year of the reign of queen Anne, intituled, An act for encouragement of the land frontiers; also, one other act made in the same year, intituled, An act to prevent Indians hunting or ranging upon patented lands; shall be, and the said several recited acts of Assembly are hereby repealed, and made void, to all intents and purposes; as if the same had never been made.

CHAP. XLIV.

An Act concerning Strays.

I. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That every person who shall take up any stray horse, mare, or nett cattle, or any sheep, goats, or hogs, or boat, or other vessel adrift, shall cause a description of the marks, brand, stature, and colour, of such horse, mare, or cattle, the mark, and colour, of such sheep, goat, or hog, and the burthen, and built, of such boat, or other vessel adrift, to be publicly affixed at the court house of his, or her county, on two several court days, next after taking up the same, and, for a reward of taking up, shall be paid by the owner, five shillings, for every such horse, mare, head of cattle, boat, or other vessel; and one shilling for every sheep, goat, or hog: And every person taking up any stray, or vessel adrift, and failing to give such notice, or making use of any such stray, or boat, or other vessel, shall forfeit fifteen shillings, current money, to the informer, recoverable, with costs, before any justice of the county where the offence shall be committed, and shall moreover pay double damages to the owner.

Persons taking up strays, or vessels adrift, shall advertise the same. . .

Rewards for taking up.

Penalty on failure to advertise, or making use of the stray, or vessel.

II. And be it further enacted, by the authority aforesaid, That if no owner shall appear, after notice twice

The method to be taken where no owner appears.

And where the value exceeds twenty shillings.)

Printer's fee for advertisements.

Taker up not answerable for death, or loss of the stray.

Who may not take up, or use any stray, under penalty of 20 shillings, or twenty lashes.

Repealing clause.

Commencement of this act.

published as aforesaid, the taker up shall make application to a justice of his county, who is hereby empowered thereupon to issue his warrant, directed to any three honest house keepers of the neighbourhood, who having first taken an oath, before the said justice, shall view and appraise such stray, or boat, or other vessel, and then the property thereof shall be vested in the taker up, but he shall nevertheless be answerable for the valuation money to the owner, at any time afterwards, deducting the reward for taking up: And where the valuation exceeds twenty shillings, the taker up, shall send a description of such stray, or boat, or other vessel, to the printer to be advertised three times in the Virginia Gazette, and if no owner shall claim the same within six months after appraisement, the property shall be vested in the taker up, but for the valuation money he shall be answerable to the owner at any time afterwards, deducting only five per centum for taking up, and the charge of advertising, for which the printer may demand and take two shillings for the first advertisement, and one shilling for every advertisement thereafter, and no more.

III. *Provided always*, That if after notice published as aforesaid, any stray shall happen to die, or get away, or any boat or vessel taken up, shall break loose, or get away, before the owner thereof shall make claim, and prove his, or her right, the taker up shall not be answerable for the same: And if any person, not being a freeholder, house keeper, or overseer, shall presume to take up, or make use of any stray, or boat, or other vessel adrift, he, or she so offending shall, for every such offence, forfeit and pay twenty shillings, to the informer, recoverable with costs, before any justice of peace of the county where such offence shall be committed; and upon failure of payment, or giving security for payment, within one month after conviction, such offender shall, by order of the justice, receive twenty lashes on his, or her bare back, well laid on.

IV. *And be it further enacted, by the authority aforesaid*, That one act made in the fourth year of Queen Anne, intituled, An act concerning waifs and strays, shall be, and is hereby repealed.

V. *And be it further enacted*, That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.

CHAP. XLV.

An Act concerning the public Prisons, and directing the method of appointing the Keeper thereof.

I. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the two rooms at the east end of the now public goal be appropriated and kept, for the receiving and safe keeping of debtors committed, or to be committed, by the general court; of which prison the judges of the said court, or the major part of them, are hereby empowered to lay out and appoint rules: And that the west end of the said building be appointed and kept, for the receiving and safe keeping of criminals committed to the public goal.

East end of the public prison to be for debtors, west end for criminals.

II. And be it further enacted, by the authority aforesaid, That the governor or commander in chief of this dominion, for the time being, shall be, and is hereby authorised and empowered to nominate and appoint, from time to time, some fit and able person, to be keeper of the said public prisons; but the person so appointed shall, within one month after his appointment, and in some court of record, enter into bond, with sufficient security to the king, his heirs and successors, in the sum of five hundred pounds current money, for the due execution of his office: Which bond shall be returned to the then next succeeding general court: And if the securities shall by the said court, be judged insufficient and other good security be not then tendered and given, another person giving bond and security as aforesaid, shall be appointed in his room: And if any person shall presume to execute the said office, without giving such bond and security, he shall forfeit and pay twenty pounds current money, for every month he shall execute the same; one moiety of which forfeiture shall be to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof; the other moiety to the informer: To be recovered with costs, by action of debt, or information, in any court of record of this dominion. And that the person who shall

Governor to appoint a keeper, who is to give bond.

Penalty for acting without giving bond.

Présent
keeper to
give secu-
rity.

Duty, fees,
and privile-
ges of the
keeper.

be keeper at the time of passing this act, shall within one month, give the like bond and security; and on failure thereof shall be incapable to hold the said office, and liable to the penalty aforesaid, for presuming to execute the same: To be recovered and divided in manner aforesaid. And that every keeper of the said public prisons, shall constantly attend and execute the commands of the general court, from time to time, and receive and take into his custody all, and every person and persons, by the said court to him committed, on *mesne* process, or in execution, in any civil cause or action, or for any contempt of the court; and such person and persons shall keep, in his safe custody, until he, she, or they, be thence lawfully discharged; and may demand and receive of such prisoner and prisoners the fees and allowances settled, or to be settled, by law, from time to time; but where any such prisoner shall be so poor, as not to be able to maintain and subsist him or herself in prison, there shall be allowed six pence per day, and paid by the general Assembly, for relief and maintenance of such poor prisoner; and no fee or security whatsoever shall be taken or demanded of him, or her; neither shall it be lawful for the said keeper, or any other person, to detain or keep such poor prisoner in custody, for his or her prison fees: And that all criminals and other prisoners, by legal warrant committed to the public goal, shall be received by the said keeper thereof, and in his custody safely kept, until he, she, or they be thence discharged, by due course of law. And that the keeper of the said public prisons, for the time being, shall during his continuance in office, be exempt and free from all musters of the militia, and from serving on any jury; and for his attendance, and keeping the public prisons and prisoners, shall have such allowance as by the general Assembly shall be thought reasonable.

Repealing
clause.

III. *And be it further enacted, by the authority aforesaid,* That so much of one act made in the tenth year of queen Anne, for building a prison for debtors, to be committed by the general court; and one other act made in the eighth year of king George the first, for making the public prisons in Williamsburg more convenient; and for building a house for the keeper thereof, as is contrary to this act; and all and every other act and acts, clause and clauses, heretofore made for

and concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

CHAP. XLVI.

An Act for encouraging adventurers in Iron-Works.

I. WHEREAS the making of Iron, within this colony, tends to the increase of the navigation and commerce of Great Britain, as well as the benefit of his majesty's subjects here, and therefore, by the laws hitherto in force, suitable encouragements have been given, from time to time, to such persons who, at their considerable expence, have erected furnaces and other works for that purpose; and it being reasonable, that such encouragements should be continued. Preamble.

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That upon application made to any county court, by the owner, owners, or chief manager of any iron-works, within their county, such court shall order and appoint good roads to be laid out and made, from such works to the nearest place upon some navigable river, or creek, where the iron, made at such works, may be brought and shipped off, and for the bringing from thence stone, and other materials, for carrying on such works; and also, for the transporting or carrying wood, coal, oar, or stone, from any place or places to such furnaces; and shall also order such causeways and bridges, as shall be necessary for wheel-carriages to pass with the most ease, to and from such iron-works: Which roads, causeways, and bridges, shall be cleared, made, and repaired, from time to time, by the owners of such iron-works, for whose benefit the same shall be appointed. Convenient roads to and from iron-works, shall be laid out and kept by the owners.

III. Provided always, That all roads heretofore, or hereafter ordered, by the general court, or any county court, for public use and convenience, shall be cleared and maintained by the respective surveyors Persons employed in iron works exempted from clearing other roads.

thereof, as public roads; and that all persons whatsoever, employed in and about any iron-works, now erected, or hereafter to be erected, shall be exempted from the duties of clearing, amending, and repairing any highways, or bridges, except such as are or shall be laid out and made, for the use and conveniency of such iron-work, and from clearing rivers and creeks, so long as they shall continue to be so employed, and no longer.

May take
timber for
bridges.

IV. And for the better making and repairing the roads, and bridges, to and from any iron-works, *It is further enacted*, That the overseers or managers of such works, have power and authority, from time to time, to cut down, take, and use, so much wood, and timber, adjoining or contiguous to the roads already laid out, or hereafter to be appointed, for the benefit and conveniency of their respective works, as shall be necessary for the making and repairing convenient bridges on the said roads; but shall not cut down, or take any timber, fit to make clap-boards, without the consent of the proprietor thereof, first had and obtained; and shall make satisfaction to the proprietor of such timber, as shall exceed fifteen inches diameter at the but-end of the tree, and if the value thereof cannot be agreed upon, between the manager of the iron-work, and the proprietor of such timber, or his, or her attorney, or agent, he, or she may apply to a justice of peace of the county where such timber shall be, who is hereby empowered and required, to order and appoint three honest disinterested freeholders thereof, to value the same upon oath, in current money, without fee or reward, and to report such valuation to himself, or some other justice of the same county; and thereupon the owner or manager of such iron-work shall be compellable to pay such valuation, to the proprietor of the timber, his, or her attorney, or agent.

Exempted
from mus-
ters.

V. And as a further encouragement to adventurers in iron-works, *Be it enacted by the authority aforesaid*, That all persons whatsoever, which are, or shall be employed in and about the building, or carrying on any iron-work, already erected, or hereafter to be erected, or in cutting of wood, making coal, raising oar, or any other thing necessary for carrying on such work, shall, during the time of their being so employed, be exempted from serving in the militia, at any

general or private muster, except in case of any invasion, insurrection, or rebellion.

VI. And that all tithable persons, who shall be so employed in or about any iron-work, which shall be at any time hereafter erected, shall for the term of seven years from and after the beginning of such works, and notice thereof given by the respective owners or managers, to the court of the county wherein such furnace, or other works aforesaid, are intended to be erected and carried on, be exempted and discharged from the payment of public levies, but subject to the payment of parish and county levies; which nevertheless, during the said term of seven years after notice given as aforesaid, shall be repaid to such owners respectively, by an allowance and credit to be given them in the public levy, for so much tobacco as such parish and county levies shall amount unto. And levies for 7 years.

Provided nevertheless, That the respective owners or managers of such work or works, shall, upon or within twenty days after the tenth day of June in every year, give a list of all the persons so to be employed about such work or works, to the person appointed to take the list of tithables, in the precinct where they shall respectively live or be employed, or otherwise they shall not be entitled to any exemption or allowance for that year. But must be listed as tithables.

VII. And that if any of the persons, so to be exempted as aforesaid, shall be employed in the planting or making of tobacco, the owner or owners of such work or works, shall for that year, lose the benefit of the exemption and allowance aforesaid for all the persons employed in and about such work or works: And moreover, if the same shall be done with his or their knowledge and consent, shall forfeit five hundred pounds of tobacco, for every person above the age of sixteen years, constantly residing upon the plantation or plantations where such tobacco shall be so planted or made; and if the same shall be done without his or their knowledge or consent, the overseer of such plantation or plantations, shall be liable to the same penalty; to be recovered with costs, by action of debt, in any court of record of this colony, where the same shall be cognizable; one moiety of which forfeitures shall be to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, the other moiety to the informer. Penalty on planting tobacco.

Proviso.

VIII. *Provided also*, That nothing in this act contained, shall be construed to extend to such person or persons, who shall sell wood to the owner, or owners, or managers of any iron-work, and shall employ his, her, or their own servants, or slaves to cut the same.

Repealing clause.

IX. *And be it further enacted, by the authority aforesaid*, That all and every other act and acts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act.

X. *And be it further enacted*, That this act shall commence and be in force, from and immediately after the tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty-one.

CHAP. XLVII.

An Act for regulating the practice of Attornies.

Preamble.

I. FOR the better regulating attornies practising in the several courts of this colony, *Be it enacted, by the Lieutenant Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same*, That the judges of the general court for the time being, shall, and they are hereby impowered and required, to nominate and appoint, from time to time, such, and so many of the council learned in the law, and attornies practising in the said court, as they shall think fit, to examine into the capacity, ability, and fitness, of such persons as shall, from time to time, apply for a licence, to practise as attornies in the county courts, or other inferior courts of this colony; and shall cause such nomination and appointment to be entered in the records of their court; which persons, so nominated and appointed, shall, at the time of their nomination make oath, before the general court, that they will well and truly examine into the capacity, ability, and fitness of all such persons as shall make application to them for a licence, to practice as attornies, and that they will not grant a licence to any

Examiners to be appointed by the general court.

And there sworn.

person who shall not upon examination, to the best of their knowledge, be found sufficiently qualified, to practise as an attorney, as aforesaid.

II. *And be it further enacted, by the authority aforesaid,* That every person desiring a licence to practise as an attorney, as aforesaid, shall, before he be examined, produce to the examiners a certificate, from some county court, or other inferior court, wherein he intends to practise, of his probity, honesty, and good demeanor; and shall also pay down, to such examiners, the sum of twenty shillings; after which it shall, and may be lawful for such examiners, and they are hereby impowered and required, to proceed to make such examination, and to grant such licence as aforesaid, under their hands and seals, or to refuse such licence to the person so examined, according as he shall appear fit and qualified, or not, upon such examination. And if the persons appointed by the general court, as aforesaid, shall refuse to be sworn, as aforesaid, or being sworn, shall grant any licence for the office of an attorney to any person applying to them, without producing such certificate as herein before directed, or shall accept of, or receive any greater fee or reward for the same, than before mentioned, they shall, respectively, for every such offence, forfeit and pay one hundred pounds; one moiety thereof to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof; and the other moiety to him or them that will inform or sue for the same: To be recovered with costs, by action of debt or information, in any court of record within this colony. And every person obtaining a licence as aforesaid, before he shall be admitted to practise as an attorney, in any county court, or other inferior court, shall, before every such court, take the oaths appointed by law to be taken, instead of the oaths of allegiance and supremacy, and take and subscribe the oath of abjuration, and subscribe the test, and shall also take the oath of an attorney, as follows, *to wit.*

I, A. B. do swear, that I will truly and honestly demean myself, in the practice of an attorney, according to the best of my knowledge and ability.—*So help me God.*

And if any person whatsoever shall presume to practise as an attorney, in any such county court, or other

Method of obtaining a licence to practise as an attorney.

Penalty on examiners.

Attornies to be sworn.

Penalty for practising without a licence or without qualifying.

inferior court without a licence first obtained, or without qualifying himself in such court, in the manner in this act before-mentioned, he shall, for every such offence, forfeit and pay the sum of five pounds, for every cause he shall prosecute or defend, in any of the said courts; one moiety to his majesty, his heirs and successors, for defraying the contingent charges of this government; and the other moiety to the informer; to be recovered by action of debt or information, in any county or other inferior court, in this colony.

Convicts declared incapable of obtaining a licence.

III. *Provided always*, That no person that hath been, or hereafter shall be convicted of any felonious crime, or crimes, shall be capable to obtain such licence: And where any person, convicted of any felonious crime, shall obtain a licence, the judges of the general court, upon proof thereof made to them, shall, by their order, supersede his licence.

Gen. court may suspend or disable attorneys misdemeaning themselves.

IV. *And be it further enacted by the authority aforesaid*, That if any attorney shall misdemean himself, and act contrary to his duty, in his practice, the judges of the general court, upon complaint and proof thereof made before them, may, by their order, supersede such attorney's licence, suspend him for a time, or disable him for ever, from practising as an attorney, as they shall think just, without the solemnity of a jury.

This act not to extend to barristers or attorneys heretofore licensed.

V. *Provided always, and it is hereby enacted and declared*, That this act, or any thing therein contained, so far only as relates to obtaining licence, shall not be construed to extend to any barrister at law, or any attorney, now practising in the general court, or any attorney, who hath heretofore been examined, and obtained a licence, pursuant to the laws then in force, to practise the law.

County courts may fine attorneys for contempt, or bind them to their good behaviour.

VI. *Provided also*, That nothing in this act contained shall be construed to hinder the justices of any county court, or other inferior court, from causing any attorney practising in such courts, to find security for their good behaviour, or fining such attorneys, for misdemeanors, or contempts against them, in the same manner as if this act had never been made.

And may order them to pay costs occasioned by their neglect.

VII. *And be further enacted*, That if any attorney in any county court, or other inferior court, shall, wittingly, or willingly, be guilty of any neglect in any cause, the court before whom such cause shall be depending, upon complaint, and proof thereof made,

within six months after such neglect, shall have power and authority to order such attorney to pay all costs occasioned by such neglect.

VIII. And to prevent frivolous suits in the general courts, and trifling and vexatious appeals from the county courts, and other inferior courts, *Be it further enacted, by the authority aforesaid,* That no attorney practising in the general court of this colony, during the time of his practising therein, shall be admitted or suffered to prosecute or defend any cause or other matter, in any county court, or other inferior court depending: And if any such attorney shall presume to act contrary hereto, he shall, for every cause he shall so prosecute, or defend, forfeit and pay the sum of twenty pounds; one moiety to the party against whom he shall prosecute or defend such cause; the other moiety to the informer: to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record in this dominion.

Gen. court attorneys not to practise in county courts, under a penalty.

IX. *Provided nevertheless,* That such attorney shall be at liberty to finish such causes in which he was before employed, in any such courts, without incurring the penalties inflicted by this act.

But may finish the causes in which they are employed.

X. *Provided also,* That nothing herein contained shall be construed to extend to any barrister at law, or to prevent any attorney of the general court from practising in the county courts of James-City, York, Warwick, Elizabeth-City, and Gloucester, or in the court of Hustings in the city of Williamsburg.

Some inferior courts excepted out of this act.

XI. *And be it further enacted, by the authority aforesaid,* That the judges of the general court shall not permit, or suffer, more than two lawyers to argue on one side, in any cause hereafter to be commenced, except in cases of life and death.

No more than two lawyers to argue on a side, in the general court.

XII. *And be it further enacted,* That all and every other act and acts, clause and clauses, for or concerning any matter or thing within the purview of this act, shall be, and they are hereby repealed: And that this act shall commence from, and immediately after, the tenth day of October next; and shall continue, and be in force, for and during the term of four years, from thence next following, and from thence to the end of the next session of Assembly.

Former acts repealed.

When this act shall commence and how long continue.

CHAP. XLVIII.

*An Act for encouraging the making Tar,
and Hemp.***Preamble.**

I. WHEREAS the making good and merchantable tar, and hemp, fit for exportation, will be not only beneficial to the inhabitants of this colony, but also, by the supply of such naval stores, advantageous to the navigation and commerce of Great Britain: to the end therefore, that the makers thereof may have suitable encouragement,

Premium of 2 shillings for every barrel of tar, and of 4 shillings for every 100 lb. weight of hemp, made according to directions of this act, to be allowed the maker.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That there shall be paid to the person and persons who shall make, or cause to be made, good and merchantable tar, made from green trees, prepared after the following manner; that is to say, That when the trees were fit to bark, the bark thereof was stripped eight feet or thereabouts, up from the root of each tree, a slip of the bark about four inches broad being left on one side of each tree; and that each tree, after being so barked, had stood one year at least, and was not before that time cut down, for the making of tar; and to such person and persons who shall make, or cause to be made, within this colony, hemp, winter or water-rotted, dry, bright, and clean, the several rewards following, to wit, For every barrel of tar, made as before directed, two shillings; and for every gross hundred of hemp, made as aforesaid, four shillings.

Method of obtaining the premium for tar

III. And be it further enacted, by the authority aforesaid, That before any person shall be entitled to the said reward for tar, the maker thereof shall deliver a note in writing, specifying the mark and number of each barrel to a justice of peace, of the county where the same was made, and shall, before him, make oath, that the same is good, and merchantable, and according to the directions of this act; and that each barrel doth contain thirty-two gallons of nett tar, and that it was made on his land, in the said county, or at what place, therein particularly describing the same; and that he, nor any other person for him, hath obtained a certificate, or received a reward or premium for the same:

which oath such justice is hereby authorised and required to administer, and to grant a certificate of the same being before him made; and the person intending to export such tar, shall produce such certificate to the naval officer, or collector of the district wherein the same shall be brought for exportation; and also, before him make oath, that the tar he intends to export is the same as is mentioned in such certificate: Which the said naval officer, or collector, is hereby required to certify to the governor, or commander in chief of this dominion, for the time being, who is hereby impowered and desired thereupon to issue his warrant, to the treasurer of this colony, for payment of such sum and sums as shall appear due by virtue of this act. And for obtaining the aforesaid premium or reward, upon hemp,

IV. *Be it further enacted, by the authority aforesaid,* And for
That any justice of peace, or constable, of any county hemp.

wherein hemp shall be made, may and shall, upon application of the maker or owner thereof, truly weigh all such hemp as to him or them shall be offered, and desired to be weighed, and shall give a certificate to the county court of the true quantity so weighed, and the name of the maker or owner thereof; for which such justice or constable shall have and receive, of such maker or owner, five shillings per ton, and so proportionably for a greater or less quantity; which certificate being produced to such county court, and oath made before them, by the maker or owner, that the hemp therein mentioned was duly weighed; and that, at the time the same was so weighed, it was winter or water-rotted, dry, bright, and clean, and made upon his or her plantation, in such county, or on what plantation the same was made, that he, nor any other person for him, hath obtained a certificate, or received a reward or premium for the same; the clerk of such court shall certify the same to the governor, or commander in chief of this dominion, for the time being; who, upon the party's producing such certificate, is hereby impowered and desired to issue his warrant, to the treasurer of this colony, for the payment of such sum or sums as shall appear to be due, by virtue of this act: And if any person whatsoever shall take a false oath, in obtaining any certificate, whereby to entitle him or herself to any premium or reward given by this act, he or she so offending,

Penalty on
persons tak-
ing a false
oath to enti-

the them to
the rewards.

and being thereof convicted, shall forfeit and pay four times the money obtained, by means of such false oath, to the informer: to be recovered with costs, by action of debt or information, in any court of record where the same shall be cognizable; and moreover, shall suffer as for wilful and corrupt perjury.

Premium to
be paid by
the treasu-
rer, and al-
lowed in his
accounts.

V. *And be it further enacted, by the authority aforesaid,* That the treasurer, of this colony, for the time being, shall be, and is hereby authorised and required, out of any public monies in his hands, to pay unto the party or parties entitled thereto, such sum and sums of money as shall be to them ordered, by warrant from the said governor or commander in chief, to him directed, for the bounties aforesaid, from time to time, in pursuance of this act; to be allowed to the said treasurer upon passing of his accounts, in the General Assembly.

Sums appro-
priated for
the rewards.

VI. *Provided always,* That the rewards for tar shall not exceed twelve hundred pounds, and the rewards for hemp not to exceed four thousand pounds.

Repealing
clause.

VII. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

CHAP. XLIX.

An Act for Inspecting Pork, Beef, Flour, Tar, Pitch, and Turpentine.

Preamble.

1. WHEREAS an act of assembly made in the nineteenth year of the reign of his present majesty, intituled, An act for continuing and amending an act, intituled, An act for inspecting, weighing, and stamping all pork, and beef, packed in this colony, or imported for sale, before the same shall be sold here, or shipped for exportation; and to amend the act, intituled, An act for the ascertaining the guage of barrels, for pork, beef, tar, and pitch; and for inspecting, weighing, and stamping all flour exported, will expire at

the end of this session of Assembly: And the same being, by experience, found useful and beneficial to the trade and export of this colony, and necessary to be further continued:

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That no pork, beef, or flour, shall be exported out of this colony; or tar, pitch, or turpentine, exposed to sale, or exported, until the same shall be packed, or filled in barrels, under the regulation herein after expressed: And the justices of every county court, within this dominion, are hereby authorised and required, in the month of August or September, annually, to nominate and appoint, in open court, one or more (not exceeding six in one county) fit and able person or persons, residing in the same county, to inspect the package, and weigh all pork, beef, and flour; and also to inspect the filling of all tar, pitch, or turpentine, packed or filled for sale or exportation, within their respective counties: And the said courts may appoint the same person or persons, to be inspectors of pork, beef, flour, tar, pitch, and turpentine, if such person appears to them duly qualified, or may appoint several inspectors, as in their discretion shall seem best: And every person so appointed, shall, before he enters upon the execution of that office, make oath before the justices of his county court, carefully to view, inspect, and examine, when required, all pork, beef, flour, tar, pitch, and turpentine, packed, or filled, for sale or exportation, and to the best of his skill and judgment, not to pass or stamp any barrel of pork, or beef, or any flour, pitch, tar, or turpentine, that is not good, clean, sound, merchantable, and of the weight or guage by this act directed, and faithfully to discharge the duty of his office, without favor, affection, partiality, or other by-respect; and shall constantly attend, upon notice, at such time and place as the owner of any of the said commodities shall appoint, to inspect the same within his county; but shall not inspect or stamp any tar, pitch, or turpentine, or any pork or beef imported from Carolina, until the same shall be brought to some public landing; and shall provide a stamp, or stamps, with the first letter of his county, the letter V for Virginia, the first letter of his own christian name, and his whole sur-name at

Inspectors,
by whom
and when to
be appointed.

Where to be
sworn.

Their duty

length, to be stamped on each barrel or cask by him passed; and on every cask or barrel of flour, the gross, tare, and nett weight thereof, and a distinction of the fineness by the words First or Second, stamped on the head; and on every barrel of pork the letter L for large, or the letter S for small pork; and on the head of every barrel of tar, pitch, and turpentine, shall distinguish whether the same be tar, pitch, or turpentine: for which he may demand, and take, for every barrel of pork or beef, by him stamped, six pence; for every barrel of tar, pitch, or turpentine, two pence; for every barrel of flour, containing two hundred and twenty pounds nett, or less, three pence; and for every cask of greater weight, six pence, and no more; to be paid down by the owner. And if any officer so appointed and sworn, shall neglect his duty, or stamp any of the commodities aforesaid, contrary to this act, he shall forfeit and pay twenty shillings, for every barrel of pork or beef; ten shillings for every barrel or cask of flour; and five shillings for every barrel of tar, pitch, or turpentine, which shall be found not duly qualified, or of less weight or contents than this act requires; and also five shillings for every neglect of his duty, recoverable by the informer, with costs, before a justice of peace of the county where such offence shall be committed.

And fees.

Penalty for neglect.

And where recoverable.

Contents of the barrel for pork or beef.

And of tar, pitch, and turpentine.

III. *And be it further enacted, by the authority aforesaid,* That every barrel of pork or beef, packed within this colony for sale or exportation, or imported here, shall contain at least two hundred and twenty pounds nett of good, clean, fat, sound, merchantable meat, well salted between each layer, well pickled, nailed, and pegged, and no more than two heads of pork in one barrel; and after the same has been inspected, weighed, found merchantable, and passed by the inspector or inspectors, residing in the county where the same shall be packed or imported, every such barrel shall be by him, or them, stamped or branded, as aforesaid, and certificate thereof given to the owner; and every barrel of tar, pitch, and turpentine, shall contain thirty one gallons and a half, wine measure, at the least; and after the same shall be inspected, gauged, found clean, well, and truly made, merchantable, and passed by the inspector or inspectors of the county where the same shall be inspected, shall be by him or them stamped or branded, and cer-

tificate thereof given to the owner as aforesaid: And that every person making, or causing to be made, wheat flour intended for exportation, shall make oath before a justice of the peace, that the flour by him intended to be exported, or sold for exportation, is clean and pure, not mixed with meal of Indian corn, pease, or any other grain or pulse, to the best of his knowledge: which oath every justice of peace is hereby empowered, upon request of the owner of such flour, to administer, and shall grant a certificate of such oath before him made; and such certificate being produced to the inspector, he shall diligently view and examine the flour therein mentioned, and if by him found clean, pure, unmixed, and merchantable, shall see the same packed in casks or barrels, well secured for exportation, and shall stamp or brand the same, in the manner herein before directed.

Wheat flour
how to be
inspected.

IV. *And be it further enacted, by the authority aforesaid,* That all pork and beef exposed to sale or barter within this colony, in barrels, whether the same be packed here or imported from Carolina, or any other place, shall contain at least two hundred and twenty pounds of nett meat, allowing only two and a half per centum for shrinkage, or loss of weight; and every barrel of tar, pitch, or turpentine, exposed to sale or barter, whether made here or imported from any other place, shall contain at least thirty one gallons and a half, wine measure, and be stamped or branded, as this act directs. And if any person shall presume to sell, or expose to sale or barter, any barrel of pork, beef, tar, pitch or urpentine, of less weight or guage, he or she shall forfeit and pay to the informer twenty four shillings current money, for every such barrel of pork or beef; and five shillings for every such barrel of tar, pitch, or turpentine, sold or exposed to sale or barter, in this dominion: recoverable with costs, by the informer, before any justice of the county, where such offence shall be committed, although the penalty shall exceed twenty five shillings current money. And every justice of the peace, upon such complaint before him made, and due proof of such offence, shall and may, by virtue of this act, give judgment for the whole penalty, and award execution thereupon: Any law to the contrary notwithstanding.

Pork, beef,
pitch, tar,
and turpen-
tine, not to
be exposed
to sale, in
less barrels,
under a pen-
alty, and
how to be
recovered.

V. *Provided nevertheless,* That from such judgment for more than twenty five shillings current money,

Defendant may appeal to the county court in some cases, giving security.

the party grieved may appeal to the next court, to be held for the county wherein such complaint was made, the appellant entering into bond, with sufficient security, before the justice by whom the judgment shall be given, that he will prosecute his appeal with effect, and pay the same judgment, and all costs awarded by the court, if the judgment shall be affirmed: And the justice of peace taking such bond, shall return the same, together with the whole record of his proceedings in the cause, to the same court to which such appeal shall be; which court shall and may receive, hear, and finally determine the same.

Sellers or exporters to make oath.

VI. *And be it further enacted, by the authority aforesaid,* That every seller or exporter of pork, beef, flour, tar, pitch, or turpentine, packed or filled in this colony, and stamped or branded, shall make oath before a justice of peace, within three days before delivery of the goods sold or exported, that the several barrels by him intended to be sold, or exported, are the same that were inspected and passed, and do contain the full quantity without embezzlement to his knowledge. And that every master of a vessel, wherein pork, beef, flour, tar, pitch, or turpentine, shall be exported, shall make oath, that he will not knowingly, take, or suffer to be taken, on board his ship or vessel, any pork, beef, tar, pitch, turpentine, or flour, contrary to law: which oath the respective naval officers of this colony are hereby required to administer: And if any of the said commodities, packed or filled in barrels or cask, for exportation, and not stamped or branded, as aforesaid, or any parcels of pork or beef unpacked, or any flour, in barrels or cask, not so stamped, except for necessary provisions, only, shall be put on board any ship or vessel, to be exported as merchandize, every such cask, barrel, or parcel, may be seized, by any sworn officer, and brought on shore, and the same, or the value thereof, shall be forfeited to the informer: recoverable before a justice of peace: And the officer seizing the same, may demand and take the like fees, as for serving an execution, to be paid by the party from whom such seizure shall be; and if such officer shall be sued for any thing by him done, in pursuance of this act, he may plead the general issue, and give this act in evidence; and upon non-suit, or a verdict for the defendant, he shall have double costs; and the master of such ship or vessel, shall forfeit and pay

Masters of vessels exporting pork &c. to be sworn.

Pork, &c. shipped without stamping, liable to be seized and forfeited.

Officer sued may plead the general issue, and shall recover double costs.

twenty shillings for every barrel or cask of pork, beef, or flour, and five shillings for every barrel of tar, pitch, or turpentine, so taken on board: recoverable by the informer, before a justice of the peace of any county within this colony, if the sum of such forfeiture shall not exceed five pounds; for which such justice is hereby authorised to grant judgment and execution thereupon; but where such forfeiture shall amount to more than that sum, then to be recovered, by action of debt or information, in any court of record of this dominion, having cognizance of such sum.

VII. *And be it further enacted, by the authority aforesaid,* That every cooper, and the master or owner of every servant or slave, who shall set up barrels for pork, beef, tar, pitch, or turpentine, shall make the same with good, strong, well seasoned timber, tight and well hooped, with twelve hoops at least; every barrel for pork or beef, to contain from twenty-nine to thirty-one gallons each; and every barrel for tar, pitch, or turpentine, thirty-one gallons and a half at the least, with his name, or the name of the master of such servant or slave at length, stamped or branded upon every barrel, under the penalty of two shillings and six pence for every barrel set up for sale or exportation, and not so stamped or branded, or of less contents than aforesaid: recoverable by the informer before a justice of peace.

Penalty on masters, and how recoverable.
Make and size of the barrels ascertained.

VIII. *And be it further enacted, by the authority aforesaid,* That all penalties and forfeitures imposed by the said first recited act, and all breaches and offences against the same, shall and may be sued for, and prosecuted, and judgments given in such suits and prosecutions, notwithstanding the said act shall be expired at the time of the prosecutions begun, or judgments given, in the same manner as such suits might have been commenced and prosecuted, and judgments given in case the said act was not expired: Any law, or usage, to the contrary notwithstanding. And that this act shall continue and be in force from and after the passing thereof for and during the term of seven years; and from thence to the end of the next session of Assembly. And that so much of an act made in the fourth year of queen Anne, intituled, An act for ascertaining the guage of barrels for pork, beef, tar, and pitch, as relates to any matter or thing within the purview of this act, shall be, and is hereby repealed.

Forfeitures by the first act may be still sued for, and recovered.

Continuance of this act.

Repealing clause.

CHAP. L.

An Act for giving a reward for killing Wolves.

50 lbs. nett tobacco allowed for killing a young wolf, and 100 lbs. for others: To be paid by the county, and repaid by the public.

I. FOR encouraging all persons to kill and destroy wolves, *Be it enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That every person who shall kill or destroy any wolf within this colony, shall have a reward of fifty pounds of nett tobacco, for every young wolf not exceeding the age of six months, to be adjudged by the justice before whom the head shall be brought, and for every wolf above that age, one hundred pounds of nett tobacco; to be levied and paid in the county where the same shall be killed, and repaid to such county in the next public levy; and the several county courts of this colony are hereby empowered and required to levy and pay the same, in their annual county levy, to the party and parties entitled thereto, upon certificates obtained in the manner by this act required.

Wolf-killer shall produce the head, and be sworn or affirmed.

II. And for preventing frauds, *Be it further enacted, by the authority aforesaid,* That every person claiming such reward, shall produce the whole head of every wolf to a justice of peace of the county wherein the same was killed or destroyed, and shall then also, before the same justice, make oath, or being a quaker, solemnly affirm and declare, to the effect following, that is to say:

I A. B. do swear, that this head by me now produced is the head of a wolf, (or that these heads by me now produced are the heads of wolves) first taken and killed within the county of C. in Virginia; and that I have not, wittingly or willingly spared the life of any bitch wolf in my power to kill. So help me God.

Other evidence to be admitted, if the killer is under 14 years of age, or an Indian,

And if such wolf killer be a christian under the age of fourteen years, or a tributary Indian, mulattoe, or negroe, then, instead of such oath or affirmation, such justice shall and may admit such other evidence, testimony, or circumstance, as in his discretion shall seem convincing: And every justice of peace before

whom such head or heads shall be brought, is hereby ^{negroes, or} ~~impowered~~ ^{mulattoes.} and required to administer such oath or ^{Justice to} affirmation, or take such other proof and testimony, ^{grant a certi-} as the case shall be, and thereupon to grant the wolf ^{cate.} killer a certificate, reciting his or her name, the number of heads produced, either of old wolves, or of such as, in his judgment, appear not to exceed the age of six months, the time and place when and where the same was or were killed, and that oath or affirmation, or other sufficient proof thereof, hath been before him made; which being produced to the court laying the county levy, shall entitle the party and parties therein named to the reward aforesaid; but no claim or demand for the same shall be received or allowed without such certificate: And if any person whatsoever shall take a false oath or affirmation before any justice in order to obtain such certificate, he or she being thereof convicted, shall suffer as for wilful and corrupt perjury in a court of record, and moreover shall forfeit and pay one thousand pounds of tobacco for every such offence; one moiety to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, and the other moiety to the informer, to be recovered with costs, by action of debt or information, in any county court.

Penalty for taking a false oath, or affirmation.

III. *Provided always*, That every justice of peace shall cause the ears of all wolves heads brought before him to be cut off in his presence, and shall not grant certificate for any scalp: And if any justice shall suspect the truth of any oath or affirmation before him made, he may delay granting certificate 'til his next county court, by whom the causes of his suspicion shall be heard and adjudged, in presence of the suspected person, if he shall think fit to appear and make his defence; and according to the judgment of the court such justice shall grant or refuse his certificate.

Proviso.

IV. *And be it further enacted by the authority aforesaid*, That the clerks of the several county courts shall return to every session of Assembly, a true list of the names of every person to whom any reward for wolves heads has been allowed in their county levy, and the names of the justices granting certificates for the same, to the end such county may be repaid in the next public levy.

Clerks to return a list to the Assembly.

U—Vol. 6.

Former acts
repealed.

V. *And be it further enacted, That all and every other act and acts, clause and clauses, heretofore made for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.*

CHAP. LI.

An Act for amending the staple of Tobacco, and preventing frauds in his majesty's customs.

Preamble.

" I. WHEREAS the laws heretofore made, have been found ineffectual to prevent the exportation of bad and trash tobacco, and the many frauds in deceiving his majesty of his customs, which of late years have greatly increased; to the great decay of the trade of this colony:

All tobacco
exported
(except such
as hath been
inspected)
shall be
brought to
some public
warehouse,
and there
viewed and
inspected.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That for the more effectual preventing the exportation of trash, bad, unsound, and unmerchantable tobacco, all tobacco which, from and after the passing of this act, shall be exported out of this colony, (except only such tobacco as hath been, or shall be viewed and inspected, according to the directions of the laws now in force,) shall be first brought to some or one of the public warehouses herein after mentioned, and shall be there viewed and inspected, in manner as herein after is expressed.

No tobacco
to be put on
board any
ship or ves-
sel for expo-
rtation, before
it shall be in-
spected; and
shall be ta-
ken only
from the
warehouses.

III. *And be it further enacted, by the authority aforesaid, That no person shall put on board, or receive into any ship, sloop, boat, or other vessel, in order to be exported therein, any tobacco not packed in hogsheads or casks, upon any pretence whatsoever, nor in any hogshead or cask, to be in that, or any ship, sloop, boat, or other vessel, exported out of this colony, before the same shall have been viewed and inspected, according to the directions of this act, (except as before excepted:) but that all tobacco whatsoever, to be*

received or taken on board any ship, sloop, or other vessel, and to be therein exported, or to be carried or put on board any other ship, sloop, or other vessel, for exportation, as aforesaid, shall be received or taken on board at the several warehouses for that purpose herein after mentioned, or some or one of them, and at no other place or places whatsoever. And every master, mate, or boatswain, which shall arrive in this colony, in order to lade tobacco during the continuance of this act, shall, before the said ship or vessel be permitted to take on board any tobacco whatsoever, make oath before the naval officer of the district, wherein such ship or vessel shall arrive, (which oath the said naval officer is hereby impowered and required to administer,) that they will not permit any tobacco whatsoever to be taken on board their respective ships or vessels, except the same be packed in hogsheads or casks, stamped by some inspector legally thereunto appointed: which oath they shall subscribe in a book; to be kept by the naval officer for that purpose. And if any master shall cause any person who is not really and bona fide mate or boatswain, to come on shore and take such oath, he shall, for the said offence, forfeit and pay twenty pounds: And if any master or commander of any ship or vessel, shall take on board, or suffer to be taken on board the ship or vessel whereof he is master, any tobacco brought from any other place than some or one of the public warehouses herein after mentioned, or any hogshead or cask of tobacco, not stamped by some lawful inspectors, or shall suffer to be brought on board any tobacco, except in hogsheads or casks, stamped as aforesaid, every such master and commander shall forfeit and pay twenty pounds of lawful money for every hogshead or cask of tobacco, which shall not have been brought from one of the said public warehouses, or which shall not be stamped as aforesaid; and moreover every such hogshead or cask of tobacco shall be forfeited.

Masters of ships, &c. to make oath, not to permit tobacco to be taken on board except stamped by some inspector.

Master causing a person not being mate or boatswain to take such oath, to forfeit 20*l*. Or taking on board any tobacco, except from a warehouse, and in stamped hogsheads or casks liable to the same penalty for every hogshead or cask, and tobacco to be forfeited.

IV. And forasmuch as the permitting tobacco in bulk or parcels to be water born, on pretence of being carried to the warehouses established by this act, may give great opportunity to the clandestine running the same on board the ships lying at or near the said warehouses, whereby the evil of exporting trash tobacco may be still continued:

To prevent frauds in running tobacco on board.

All tobacco found on board any vessel in bulk or parcels forfeited and may be seized.

Penalty on the skipper and master, and how to be recovered.

Every servant on board concealing the fraud to be whipt. If a servant be a skipper, and unable to satisfy the penalty, he shall be whipt; and if he offend a second time, his owner subjected to penalties.

V. Be it further enacted, by the authority aforesaid, That if any person, taking upon himself to carry any tobacco to or from any of the said warehouses, in his sloop, boat, or other vessel, for hire, shall presume to take on board, or permit or suffer to be taken on board, any tobacco whatsoever in bulk or parcels, such tobacco shall not only be forfeited, and may be seized by any person or persons whatsoever; but the master or skipper offending herein, shall forfeit and pay twenty shillings for every hundred pounds weight of such tobacco, and so proportionably for a greater or lesser quantity: And the master or commander of any ship or vessel, wherein any tobacco in bulk or parcels shall be found, shall, over and above the forfeiture thereof, be subject and liable to the same penalty: to be recovered, if it doth not exceed five pounds, before any two justices of the peace of any county; one of them to be of the quorum, near the place where such ship, sloop, boat, or other vessel shall lie; and if it exceeds five pounds, in any court of record by action of debt, wherein the plaintiff shall recover his costs. And every servant, slave, or other person, employed in navigating such sloop, boat, or other vessel, who shall connive at, or conceal the taking or receiving on board any tobacco in bulk or parcel as aforesaid, shall, by order of such justices, receive on his bare back, thirty nine lashes, well laid on: And if such sloop, boat, or other vessel, be under the care and management of a servant who cannot satisfy and pay the said penalty, then such servant, and every other person employed under him, who shall be guilty of conniving at, or concealing the taking on board tobacco in bulk or parcel as aforesaid, shall, upon complaint thereof made to any justice of the peace, have and receive, by order of the said justice, thirty nine lashes well laid on. And if any servant shall be again trusted with the care and management of any sloop, boat, or other vessel, and shall be convicted a second time of taking or receiving on board the same, any tobacco in bulk or parcel, contrary to the directions of this act, the owner of such servant shall forfeit and pay the like sum of twenty shillings for every hundred pounds weight of such tobacco, so taken or received on board in bulk or parcel; and shall also forfeit and pay five shillings for every day such servant shall thereafter be employed as skipper or master of any

sloop, boat, or other vessel, to him belonging: to be recovered and applied as aforesaid.

VI. *Provided always,* That nothing herein before contained, shall be construed to prohibit any person from carrying, or causing to be carried to, the said warehouses, in any boat or other vessel, any tobacco in bulk, or parcels, for the payment of his or her levies, debts, or other duties; nor to prohibit any person to put or take on board any sloop, boat, or other vessel, any hogsheads or casks of tobacco, to be water born to any warehouse or warehouses appointed by this act, so as the same be not carried out of the naval officer's district, wherein the said tobacco shall be made; nor to prohibit the owner of any tobacco to transport his crops, or any part thereof, in hogsheads or casks from one plantation to another, for the better handling or managing thereof; nor any purchaser of tobacco, from bringing the same by water to be re-packed, sorted, stemmed, or prized, before the same be carried to the said warehouses, so as such last-mentioned tobacco be packed in hogsheads or casks: but no tobacco, on any pretence whatsoever, shall be carried or transported by water to be inspected, out of the district limited and appointed for the several naval officers of this colony, wherein the same is or shall be made; or being so carried, shall not be inspected or passed by any inspectors, knowing the same to be made out of such district, upon pain of forfeiting, by the owner of such tobacco, and the inspectors who shall pass the same, twenty shillings for every hogshead; to the informer.

But tobacco may be water-born to the warehouses, and from one plantation to another, or to be re-packed, sorted, stemmed and prized.

But shall not be carried, inspected, or passed out of the district, under a penalty of 20s. on the owner and inspectors, for every hogshead.

VII. *Provided nevertheless,* That it shall and may be lawful for the inhabitants of Fleet's-bay, on the south side of Indian creek, in the county of Lancaster, to carry their tobacco by water to the public ware-houses at Indian creek; and the inhabitants of Warrisqueak-bay, and the parts adjacent, to carry their tobacco to be passed at any warehouse in the upper district of James river.

Inhabitants of Fleet's-bay, and Warrisqueak-bay, where their tobacco may be inspected.

VIII. *And be it further enacted,* That every master of a ship or vessel wherein tobacco shall be laden, shall, at the time of clearing, deliver to the naval officer, two fair manifests of all the tobacco on board his ship or vessel, expressing the marks and numbers of every hogshead, and the tare and nett weight stamped thereon, the person by whom shipped, and from

Masters of ships shall deliver two manifests of all the tobacco on board to the naval officer on oath.

One of which to be annexed to his clearance and the other transmitted to the chief officer of the customs.

what warehouse, and shall make oath thereto, and that the same is a just and true account of the marks, numbers, tare, and nett weight of each respective hogshead, as the same was taken down by the person or persons appointed by him to take the same, before the said tobacco was stowed away; and no ship or vessel shall be cleared by the naval officer, before he shall have received such lists and manifests: one of which said manifests shall, by the said naval officer, be annexed to such master's certificate or clearance, to the end the same may be delivered to the chief officer of the customs in such port or place where the said ship shall unlade; and the other of the said manifests shall, by the said naval officer, be transmitted to the said chief officer of the customs by the next convenient opportunity.

If any person, trusted to carry tobacco to a public warehouse, shall land it at any other place, or put it on board any ship, before it hath been delivered at some warehouse, or shall open or take out any tobacco before or after view, felony.

IX. *And be it further enacted*, That if the skipper of any sloop, boat, or other vessel, or other person or persons to whom the care and management thereof shall be intrusted, shall land or put on shore any hogshead, cask, or package of tobacco, put on board the same to be carried to any public warehouse, at any other place or places than the warehouse or warehouses by this act appointed for the reception and inspection of tobacco, or at some or one of them, or the wharfs or other landing to such warehouse or warehouses belonging, or shall put the same on board any other vessel, or suffer the same to be done, so as the same be not delivered at some of the said public warehouses without fraud or imbezzlement, or shall open any hogshead or cask of tobacco, so as aforesaid water born and landed, and take thereout any tobacco, before the same be viewed by the inspectors, according to the directions of this act, or after the same be viewed, shall fraudulently open any hogshead or cask, and take thereout any tobacco, every such offence shall be adjudged felony; and the offender or offenders shall suffer as in case of felony.

Unless forced by distress of weather on ground, or the vessel become leaky, in which case it may be landed.

X. *Provided always*, That nothing herein contained, shall be construed to prohibit the landing or putting on shore any hogshead, cask, or package of tobacco, out of any sloop, boat, or other vessel, which, by distress of weather, shall be forced on ground, or become leaky, so as such landing be really and *bona fide* for the preservation of the tobacco laden in such vessel; and that the same be, with all convenient speed,

carried thereafter to the warehouse or ship, (as the case shall be,) to which it was designed, without imbezlement.

XI. *Provided also,* That if, by any of the accidents aforesaid, or negligence of the master or skipper of any vessel, any tobacco which hath been viewed and stamped, shall in its carriage to the ship in which it is intended to be exported, receive so much damage as that the master of such ship will not receive it on board; every hogshead or cask of tobacco so damnified shall, with all convenient speed, be carried to some warehouse appointed by this act, and there lodged until the owner of the said tobacco, or master of the vessel in which it was damaged, shall have separated the same, and re-packed the good tobacco; and then the same shall be weighed, and stamped with the weight, by the inspectors attending such warehouse, without fee or reward: But if the owner of such tobacco, or the master of the vessel in which it was damaged, shall fail or delay to separate and re-pack the same within ten days, then the inspectors at the warehouse where such damaged tobacco shall be landed, shall, and they are hereby required and enjoined, to separate, repack, weigh and stamp the same; and such inspectors shall have and receive, of the owner of such tobacco, five shillings for each hogshead or cask of tobacco; to be paid by such owner before the said tobacco shall be delivered out for exportation.

If damaged in its carriage to the ship, so that the master will not receive it on board, it shall be carried to a warehouse, to be repacked, weighed and stamped, without fee: but if the owner or master fails to separate and re-pack the tobacco in 10 days, the inspectors shall do it, and receive a reward.

XII. *And be it enacted, by the authority aforesaid,* That all tobacco which shall be brought to any of the public warehouses herein after mentioned, shall be viewed, examined, and inspected by two persons, to be thereunto appointed, who shall be called inspectors; which said inspectors shall be appointed in the manner following, that is to say: The courts of the several counties within this colony wherein any of the public warehouses appointed by this act are established, shall and may, and they are hereby required, once in every year, and no oftener, at their respective county courts held in the months of August, or September, or one of them, to nominate and recommend to the governor or commander in chief for the time being, for so many officers of inspection as are or shall be in their respective counties, four fit and able persons, reputed to be skilful in tobacco, for the execution of the office of inspectors: And where two warehouses

All tobacco shall be viewed by two inspectors.

The manner of appointing them.

under one and the same inspection, happen to lie in different counties, in that case the courts of each county shall nominate and recommend two for such inspection; which nomination the said courts shall cause to be entered upon record, and the clerks of the said courts shall, and they are hereby required, forthwith to transmit a certificate of the same to the secretary's office: And out of the said four persons so nominated and recommended for each inspection, the governor and commander in chief, with advice and consent of the council, shall and may choose and appoint two, to execute the office of inspectors at such inspection: And in default of such nomination and recommendation by the county courts, as aforesaid, the governor and commander in chief, with the like advice and consent, shall and may appoint such persons as he shall think fit, to be inspectors at such inspection for which no nomination or recommendation shall be made, as aforesaid: And also, in case of the death, resignation, or removal of any inspector, the governor or commander in chief shall and may appoint any person, named in the last recommendation from the county court, for that inspection where the vacancy shall happen, to succeed him, until the next nomination and appointment of inspectors: But if either of the persons named in such last recommendation will not accept the said office, in that case the governor or commander in chief may appoint any other person he shall think fit.

Present inspectors to continue 'til 10 November next.

XIII. *Provided nevertheless,* That the inspectors who are now in office, shall continue to act without taking new commissions, 'til the tenth day of November next. And for preventing the evil of buying and selling the said office of inspector, which hath heretofore been frequently practised,

Penalties on inspectors buying and selling their office.

XIV. *Be it further enacted,* That if any inspector shall hereafter, accept, receive, or take, directly or indirectly, any fee, gratuity, service, or reward whatsoever, of any person, for resigning or giving up his office of inspector, he shall not only be for ever disabled from holding the like office, but, for such offence shall forfeit and pay the sum of one hundred pounds: to be recovered with costs, by action of debt, in any court of record within this dominion. And every person, offering and paying, directly or indirectly, any fee, service, gratuity, or reward whatsoever, to any

Inspector to resign his said office, shall, for the said offence be for ever disabled from holding the office of inspector within this colony.

XV. *Provided always*, That no justice of the peace, being an inspector, or recommended to be an inspector, shall have, or be allowed to vote, in the nomination and recommendation of persons to be inspectors, as aforesaid: And that where any person, once recommended as aforesaid, and executing the office of inspector, in pursuance of such recommendation, shall be again recommended the next succeeding year, the same shall be a sufficient appointment to him to continue in the said office for another year, without any new commission; and so from year to year, so long as he shall be so recommended as aforesaid.

No Justice, being an Inspector shall vote in their Recommendation. Same Inspector recommended again may act without a new Commission.

XVI. *Provided always*, That every person appointed, or to be appointed an inspector, by virtue of this act, shall, before he enters upon the execution of the said office, enter into bond, with good security, in the penalty of five hundred pounds, payable to his majesty, his heirs and successors, with condition for the true and faithful performance of his duty, according to the directions of this act; and shall also take the following oath, that is to say,

Inspectors to give Bond.

You shall swear, that you will diligently and carefully view and examine all tobacco brought to any public warehouse or warehouses where you are appointed to be inspector, and all other tobacco which you shall be called upon to view and inspect, and that not separately and apart from your fellow, but in his presence; and that you will not receive any tobacco that is not, in your judgment, sound, well conditioned, merchantable, and clear of trash; nor receive, pass, or stamp any tobacco hogshead or cask of tobacco, prohibited by one act of Assembly, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs; and that you will not change, alter, or give out any tobacco, other than such hogsheads or casks for which the receipt to be taken in was given: But that you will, in all things, well and faithfully discharge your duty in the office of an inspector, according to the best of your skill and judgment, and according to the directions of the said act; without fear, favour, affection, malice, or partiality. So help you God.

Their Oath.

V—Vol. 6.

Where to be taken.

If sworn before the governor, or general court to produce certificate, and lodge it with the county Court clerk. Penalty for acting before bond given, or oath taken.

How long they are to attend at the warehouses.

Penalty for neglect.

Their duty.

Another Inspector to be called, in

Which oath shall and may be taken before the governor or commander in chief of this colony for the time being, or before the general court, or in the court of the county wherein such inspector shall reside: But before any inspector shall enter upon the execution of his office, he shall produce a certificate, if sworn before the governor or general court, as the case may be, of his taking such oath; which certificate shall be lodged with the clerk of the county where such inspector shall be. And if any person shall presume to execute the office of inspector, before he has given such bond, and taken such oath, as aforesaid, he shall forfeit and pay five hundred pounds.

XVII. *And be it further enacted*, That all inspectors, to be appointed by virtue of this act, shall constantly attend their duty at the warehouse or warehouses under their charge, from the tenth day of November, to the last day of August, yearly, (except Sundays, and the holidays observed at Christmas, Easter, and Whitsuntide, or when hindered by sickness;) and afterwards, they, or one of them, shall constantly attend at the same, (except Sundays) to deliver out tobacco for exportation, 'til all the tobacco remaining there the said last day of August, shall be so delivered: And every inspector neglecting to attend as aforesaid, shall forfeit and pay to the party grieved, five shillings for every neglect; or shall be liable to the action upon the case of the said party grieved, to recover all such damages which he or she shall have sustained by occasion of any such neglect, together with his or her full costs, at the election of such party. And all inspectors shall uncase and break every hogshead and cask of tobacco, brought to them to be inspected, as aforesaid; and if they shall agree that the same is good, sound, well conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales, with weights of the lawful standard, and the hogshead or cask shall be stamped and marked, with a hot iron, in the presence of the said inspectors, or one of them, with the name of the warehouse at which the tobacco therein contained shall be viewed and inspected, as aforesaid; and also, the tare of the hogshead or cask, and quantity of nett tobacco therein contained: But if the said two inspectors shall at any time disagree, concerning the quality of any tobacco, brought for their inspection to any warehouse

under their charge, they shall, without delay, as soon as conveniently may be, call from the next adjacent warehouse or inspection, another inspector, who shall determine the difference, and pass, or reject, such tobacco. And where any inspector shall happen to be sick, and unable to attend his duty, in that case it shall be lawful for any other inspector at any adjacent warehouse, to view, inspect, and pass tobacco, in his room. And when any inspector shall bring his own tobacco to the warehouse whereof he is inspector, the same shall not be passed or stamped, unless it be first viewed, examined, and found good, and qualified as aforesaid, by the other inspector there attending, and by one or both of the inspectors, as the case shall require, from the next adjacent warehouse.

case they disagree.

Or where one is sick.

Or where they bring their own Tobacco to the warehouse.

XVIII. *And be it further enacted,* That if any tobacco shall be brought to any of the said warehouses, for the discharge of any public or private debt or contract, the said inspectors, or one of them, after they have viewed, examined, and weighed the said tobacco, according to the directions of this act, shall be obliged to deliver, to the person bringing the same, as many promissory notes, under the hands of the said inspectors, as shall be required, for the full quantity of tobacco received by them, in which shall be expressed, whether the tobacco so received be sweet scented, or Oronoko, stemmed or leaf; which notes shall bear date the day the tobacco for which the same is given shall be viewed and passed; and shall, and are hereby declared, to be current in all tobacco payments, according to the species expressed in the note, within the county wherein such inspectors shall officiate, and in any other county next adjacent thereto, and not separate therefrom by any of the great rivers or bay herein after mentioned; that is to say, James river, below the mouth of Appamattox; York, below West Point; Rappahanock river, below Talliaferro's Mount; or by the great bay of Chesapeake; and shall be transferable from one to another in all such payments, (except as herein is excepted;) and shall be paid and satisfied by the inspector or inspectors who signed the same, upon demand: and for every hogshead of tobacco brought to any public warehouse, for the discharge of any public or private debt, in good cask, of such dimensions as herein after expressed; there shall be allowed by the inspector thereof to the person bringing the same, after the rate of four pounds of tobacco, for every hun-

They shall give notes for all Tobacco received.

Such notes shall be current in all Tobacco payments, in the same and adjacent counties.

Allowance of four per cent to be made for the hogshead, so as not to exceed 20 lbs.

Tobacco for each hogshead. Every transfer Hogshead to contain 950lbs. nett Tobacco, at least. Fiveshillings for inspecting, and 6d. for nails, to be paid for such hogshead.

dred pounds the tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such allowance does not exceed thirty pounds of tobacco for each hogshead; And the said inspectors shall, and they are hereby obliged, to make every hogshead by them paid away in discharge of any note by them given as aforesaid, to contain nine hundred and fifty pounds of nett tobacco, at the least; and for every such hogshead of tobacco by them paid away, well lined and nailed, fit for shipping, there shall be paid, by the person receiving such hogshead, five shillings for inspecting, and six pence for nails; which said sum of six pence the said inspectors shall and may retain in their hands for their own use, to reimburse them the expence of providing nails: And the person demanding or receiving tobacco in discharge of notes, as aforesaid, shall allow to the inspectors thirty pounds of tobacco for each hogshead so received, for the cask. and two pounds of tobacco for every hundred pounds of tobacco contained in such notes, and so proportionably for a greater or lesser quantity, for shrinkage and wasting, if the said tobacco be paid within two months after the date of the note given for the same: and one pound of tobacco for every hundred, for every month the same shall be unpaid after the said allowance; so as such allowance for shrinkage and wasting do not exceed, in the whole, six pounds of tobacco for every hundred: And if any inspector or inspectors, by whom any such notes for tobacco, as aforesaid, shall be signed, shall refuse or delay to pay and satisfy the same, when demanded, every inspector so refusing or delaying, shall forfeit and pay, to the party injured, double the value of the tobacco so refused or delayed to be paid: to be recovered with costs, in any court of record within this dominion, if the note or notes so refused or delayed to be paid, exceed two hundred pounds of tobacco, and if the said note or notes do not exceed two hundred pounds of tobacco, the double value aforesaid shall and may be recovered before any justice of the peace of the county wherein the warehouse shall be, at which the note or notes ought to be paid.

With an allowance for cask, and shrinkage.

Inspectors refusing or delaying to pay their notes, shall forfeit double the value, to the party grieved. How to be recovered.

All crop hogsheads passed by the inspector, shall be stamped, and the inspectors shall give receipts, &

XIX. *And be it further enacted by the authority aforesaid, That all tobacco brought to any of the said warehouses in hogsheads or casks to be exported, on account and for the use of the owner thereof, after the same shall have been viewed, examined, and weighed,*

and found to be good, shall be stamped, as herein before directed: and the said inspectors, or one of them, shall deliver to the person bringing the same, as many receipts, signed as aforesaid, as shall be required for the number of hogsheads so brought and stamped, in which shall be expressed, whether the tobacco so received, be sweet scented, or Oronoko, stemmed, or leaf; and for every hogshead and cask brought to any of the said warehouses to be exported, on account and for the use of the owners thereof, there shall be paid to the inspectors there attending, three shillings, for viewing, examining, and stamping the same; and the owners of the said tobacco shall find and provide nails for the nailing thereof: And if any inspector or inspectors shall alter, change, or deliver out any hogshead or cask of tobacco, other than the hogshead or cask for which the receipt, to be taken in, was by him or them given, such inspector or inspectors shall not only forfeit and pay the double value of such hogshead or cask so altered, changed, or delivered out; but he or they shall moreover forfeit his or their bonds respectively, given for the due execution of his or their office. And all inspectors shall, and they are hereby obliged, if required, to take in any receipt or receipts by them given for tobacco, and after having weighed such tobacco, to give transfer notes for the same, with an allowance of four per cent. for the cask, so as such allowance does not exceed thirty pounds of tobacco for every cask.

take three shillings per hogshead for the same:

Owners to provide nails. Inspectors changing crop tobacco, shall forfeit double the value, & their bonds.

They shall, upon request, give transfer notes for crop hogsheads, with an allowance for the cask. No tender of a tobacco debt lawful, unless in inspectors notes or receipts.

. XX. And be it further enacted, That during the continuance of this act, no tender of any debt or duty, payable in tobacco, shall be accounted lawful, unless payment of the same be tendered in inspectors notes, or receipts.

XXI. And for restraining the undue practice of mixing trash with stemmed tobacco, and preventing the packing tobacco in unsizable casks; *Be it enacted and declared*, That all stemmed tobacco not laid strait, whether the same be packed loose, or in bundles, shall be accounted unlawful tobacco; and that no tobacco, packed in hogsheads which exceed eight and forty inches in the length of the stave, or thirty inches at the head, within the crow, making reasonable allowance for prizing, (which allowance shall not exceed two inches above the gauge in the prizing head,) shall be passed or received: but the owner of such tobacco packed in casks of greater dimensions than before ex-

No stemmed tobacco not laid strait, nor casks exceeding forty-eight inches in the length of the stave, or 30 inches at the head, shall pass.

pressed, shall be obliged to repack the same in sizable casks, at his own costs and charge, before the same shall be received and stamped by the said inspectors.

Tobacco refused by the inspectors shall be burnt by them, or picked at the warehouse. One month allowed for picking.

XXII. *And be it further enacted*, That when any tobacco shall be brought to any of the public warehouses, and refused by the inspectors there officiating, the same shall be immediately burnt by them, unless the owner or person bringing such tobacco desires to sort and separate the same, and to pick out such as is bad; in which case the inspectors shall permit the same to be done, at the warehouse to which the said tobacco shall be brought, without fee or reward; but shall not, on any pretence, suffer the said tobacco to be removed or carried from the said warehouse: and the said inspectors shall allow one month for separating and picking such tobacco; after which time, if the same be not done, it shall be lawful for them to burn the whole, except where the tobacco is in a sweat, or where the circumstances or accidents of weather may have prevented the handling of it; in which case the inspectors shall allow such further time as they shall think reasonable: and where any tobacco shall be separated and picked, as aforesaid, the trash and bad tobacco shall be burnt by the inspectors on the same day it is picked out, under the penalty of forfeiting five shillings for every failure, to the informer. And if any tobacco, packed in cask by an overseer, or the hands under his care, shall be burnt by the said inspectors, by reason of its being bad, unsound, or not in good condition, the overseer who had the care of making and packing the same, shall bear the loss of the tobacco so burnt, and make satisfaction for the same, out of his share, of the crop, or otherwise: And the inspectors shall be obliged to keep an account of all tobacco so burnt.

Overseers liable for all damage, if they suffer bad tobacco to be packed.

For preventing frauds in the customs

Weights of all tobacco shall be entered in books, particular accounts thereof to be sent on board ships with the tobacco.

XXIII. And to the intent that a just quantity of tobacco exported may be more exactly known, and all evil practices to defraud his majesty of his customs prevented, *Be it enacted, by the authority aforesaid*, That all inspectors shall carefully enter in a book, to be provided and kept for that purpose, the marks, numbers, gross, nett weight, and tare of all tobacco viewed and stamped by them, as aforesaid, and in what ship or vessel the same shall be laden or put on board; and shall also, with every sloop load or boat load of tobacco, send a list of the marks, numbers, gross, nett weight, and tare of every hoghead of

tobacco then delivered, to be given to the master of the ship or vessel in which the same shall be put on board; and if the tobacco delivered to the same sloop or boat, is intended to be put on board several ships or vessels, then they shall deliver so many distinct and several lists, as aforesaid, of the hogsheads to be put on board such ship or vessel respectively: which lists, every master of a ship or vessel is required to produce to, and lodge with, the naval officer of the district where the ship or vessel, whereof he is master shall ride, or by whom he shall be cleared, sometime before her clearance. But whereas it may happen, that the ship, in which such tobacco was intended to be put may be so full as not to be able to stow all the tobacco contained in such list; in such case, it shall and may be lawful to ship the said tobacco, or any part thereof, on board any other ship or ships where the owner thereof shall think fit, the masters of such ships indorsing on the said lists, the marks and numbers of the respective hogsheads by them taken on board, and giving notice to the inspectors of the warehouse from whence the same was brought; or if there be no ship to receive the said tobacco, then it shall and may be lawful for the master of the first mentioned ship or vessel, to put the said tobacco into any warehouse in the district where such ship shall ride, giving immediate notice thereof to the inspectors who stamped the same; and the inspectors of that warehouse where such tobacco shall be delivered, shall give a receipt for the same, and shall cause the said tobacco to be safely lodged, and delivered to the order of the owner thereof, whenever he or she shall think fit to ship it off, and that without fee or reward.

XXIV. *And be it further enacted,* That if any person whatsoever shall forge or counterfeit the stamp, note, or receipt, of any inspector; or tender in payment any such forged or counterfeited note or receipt, knowing it to be such; or export, or cause to be exported, any hogshead or cask of tobacco, stamped with a forged or counterfeited stamp; or demand tobacco of any inspector upon any such forged or counterfeited note or receipt, knowing such note or receipt, or such stamp, to be forged and counterfeited; or shall put or pack into any hogshead or cask of tobacco, stamped by any inspector, any tobacco whatsoever; or shall draw or take out any stave, plank, or heading

Which the master shall produce to the naval officer. If the ship be full, the tobacco may be put on board other ships, the master endorsing the quantity by them received, and giving the inspectors notice. Or it may be lodged in another warehouse, and the inspectors there shall give a receipt.

Penalty upon forging or counterfeiting any stamp, note, or receipt, &c.

board, so staimped as aforesaid, of any hogshead or cask of tobacco, after such hogshead or cask of tobacco shall be delivered out from any of the public warehouses aforesaid; every person so offending, and being thereof convicted by due course of law, shall be adjudged a felon, and shall suffer as in case of felony.

Method to be taken where notes or receipts are lost, mislaid, or destroyed.

XXV. *And be it further enacted, by the authority aforesaid,* That if any inspectors notes or receipts be casually lost, mislaid, or destroyed, the person or persons entitled to receive the tobacco by virtue of any such note or receipt, shall make oath, before a justice of the peace of the county where the same is payable, to the number or date of every such note or receipt, to whom, and where payable, and for what quantity of tobacco the same was given, and that such note or receipt is lost, mislaid, or destroyed, and that he, she, or they, at the time such note or receipt was lost, or mislaid, or destroyed, was lawfully entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing a certificate of such oath to the inspectors who signed such note or receipt, and lodging the same with them, the said inspectors shall, and are hereby directed, to pay and deliver to the person obtaining such certificate, the tobacco for which any such notes or receipts were given, (if the same or any part thereof, shall not have been before by them paid by virtue of the said notes or receipts,) and shall be thereby discharged from all actions, suits, and demands, on account of such notes or receipts: and if any person shall be convicted of making a false oath, or producing a forged certificate, in the case aforesaid, he shall forfeit and pay twenty shillings for every hundred pounds weight of tobacco contained in such certificate; and moreover upon conviction in any court of record, shall suffer as in case of wilful and corrupt perjury.

Penalty for making a false oath, or producing a forged certificate.

How levies, quit rents, & officers fees shall be paid.

XXVI. *And be it further enacted, by the authority aforesaid,* That all tobacco due, or to grow due and payable, for public, county or parish levies, or for quit-rents, or for secretary's, clerks, sheriffs, surveyors, or other officers fees, shall be paid and discharged by transfer notes, in the following manner: that is to say; all levies and quit-rents, shall be paid in some warehouse in the county where such levies are laid, and lands, chargeable with such quit-rents, lie; and all officers fees in the county where the person chargea-

ble therewith lives, except such person shall have a plantation, with slaves thereon, in the county where the service is performed; and then all fees, (except secretary's fees,) shall be paid in such county: but the said levies, quit-rents, and fees, due and payable in any county where no public warehouse is established, shall be paid at some warehouse in the next adjacent county.

XXVII. *Provided always*, That no transfer notes of the preceeding year shall pass in any such payment, nor no notes of the county of Prince-William shall pass in any payment of levies, quit-rents, or fees, becoming due in the county of Orange; and the notes of the warehouses herein after mentioned shall pass in payment of all quit-rents, levies, and officers fees, payable in the counties following: that is to say; the notes of Kemp's warehouse shall pass in the county of Gloucester; of Turner's and Bowlers, in the county of Middlesex; of Lawrence's, Gray's Creek, and Cabbin-Point, in the county of Isle of Wight; of Lawrence's, and all the warehouses above, on the south side of James river, in the county of Brunswick; and all the warehouses above Jordan's-Point, on the south side of James river, in the counties of Amelia and Lunenburg; of Wainwright's, Appamattox, Maycock's, Jordan's and Warrisqueake-Bay, in the county of Surry; of Warwick, Bermuda-Hundred, John Bowling's, and Cabbin-Point, in the county of Prince-George; of Turkey-Island and Hog Neck, in the county of Charles-City; of Littlepage's, or the Brick-House warehouses, in the county of James-City; of York, Roe's, and Hampton, in the county of Warwick; of Roe's, in the county of Elizabeth-City; of Page's and Meriwether's, in the county of King-William; of Todd's, Aylet's, and Layton's, in the county of Caroline; of Conway's, in the county of Spotsylvania; of Fredericksburg, in the county of Louisa, of Shoccoe's, Warwick, Crutchfield's, Rocky-Ridge, Page's, and Meriwether's, in the county of Albemarle; of Indian-Creek, in the county of Lancaster; of Yeocomico, in the county of Northumberland; of Mattox, Machotack, and Falmouth, in the county of Stafford; of Princess-Anne and Norfolk, in either county; of any warehouse in Accomack or Northampton, in either county; of Acquia, in the county of Prince-William.

XXVIII. *And be it further enacted*, That out of every hundred pounds of tobacco, paid in discharge of

What allowances shall be made out of such public dues and fees to the payer.

quit-rents, secretary's, clerks, sheriffs, surveyors, or other officers fees, and so proportionably for a greater or lesser quantity, there shall be made the following abatements or allowances to the payer: that is to say;

For tobacco due in the counties of Goochland, Brunswick, Lunenburg, Orange, Amelia, Albemarle, and the county of Louisa, the person paying shall and may retain in his own hands, thirty pounds of tobacco for every hundred so due from him.

For tobacco due in the county of Princess-Anne, twenty pounds of tobacco.

For tobacco due in the counties of Henrico, Caroline, Nansemond, Norfolk, Hanover, and Spotsylvania, fourteen pounds of tobacco.

For tobacco due in the counties of Prince-George, Surry, Isle of Wight, Fairfax, and Prince-William, twenty pounds of tobacco.

For tobacco due in any other county, ten pounds of tobacco.

XXIX. *Provided always,* That where any person chargeable with officers fees, (except the secretary's fees) lives in another county, than where the service is performed, or the fees become due, the same allowance shall be made to every such person as is by law settled to be allowed in that county where the service is performed, or the fees become due.

XXX. And for preventing all mistakes and controversies concerning the allowances to be made, upon the payment of public, county, or parish levies; *Be it enacted,* That the levies aforesaid shall be all laid in nett tobacco, and the abatement which ought to be made out of every creditor's claim, for convenience, shall be deducted out of such claim at the time of laying the said levies; which abatements are hereby settled and declared to be the same as are before mentioned and directed to be allowed, upon payment of quit-rents and officers fees: but where any creditor by law or contract ought to be paid with convenience, in that case, no abatement shall be made to the people by the collectors thereof: and where any tobacco ought to be paid with cask, there shall be levied four per cent for cask, and no more: and there shall be also levied in all the said levies, six per cent, for collecting the same, and no more; which shall be paid and allowed to the respective collectors of the said levies. And for all tobacco paid and discharged in inspectors notes,

For preventing mistakes levies shall be laid in nett tobacco.

No abatement to be made in a payment with convenience.

Four per cent. to be allowed for cask.

for quit-rents, secretary's, clerks, sheriffs, surveyors, and other officers fees, to the persons entitled to receive the same, there shall be paid and allowed by such persons to the sheriff or collector, six pounds of tobacco, for every hundred pounds of tobacco so paid; and so proportionably for a greater or lesser quantity; and the said sheriff or other collector is hereby empowered to retain the same in his hands: and the sheriff or other collector of the levies, quit-rents, and fees aforesaid, shall pay and discharge the same by the same notes which they shall receive in payment thereof.

Six per cent. allowed for collecting.

Collectors shall pay the same notes they received.

XXXI. *And be it further enacted,* That during the continuance of this act, the clerk of the general court, and of every county court in taxing the costs of any judgment or decree obtained, or to be obtained, shall deduct out of the said costs the same allowance for convenience as shall or ought to be made and allowed to the party first charged with the fees so taxed in the bill of costs by the respective officers; and execution shall issue for no more than the said costs amount to after the said deduction.

Bills of costs shall be taxed in nett tobacco, and execution shall issue accordingly.

XXXII. *And be it further enacted,* That all public, county, and parish levies, quit-rents, secretary's, sheriffs, clerks, surveyors, and other officers fees, payable in tobacco, shall be paid and satisfied by the persons chargeable with, and indebted for the same, to the sheriffs or other collectors, by transfer notes, before the tenth day of April, yearly: And if any person, chargeable with the levies, quit-rents, and fees aforesaid, shall neglect or refuse to pay the same, within the time aforesaid, it shall and may be lawful to and for the sheriffs and other collectors, immediately after the said tenth day of April, to distrain the goods and chattels of the person or persons so neglecting and refusing, and to sell and dispose thereof for tobacco, in the same manner as is directed by law for goods taken in execution; and the overplus, (if any be) after paying the said levies, quit-rents, and fees, and the charge of distress, which is hereby declared to be the same as for serving an execution, shall be returned to the debtor.

Public dues and officers fees shall be paid before the tenth of April, yearly.

In case of failure, collectors may distrain and sell.

XXXIII. *Provided always,* That where any goods or chattels shall be distrained, for non-payment of quit-rents, the same shall be redeemed by the payment of money for so much as the said quit-rents amount to;

Goods distrained for quit-rents, how to be redeemed, or sold.

Collectors to account and pay before the last day of May, yearly. If they refuse or delay shall forfeit double the value to the party grieved. How to be recovered.

and if not redeemed, the sheriff shall sell the same for money accordingly: and the sheriffs or other collectors of the said levies and fees, shall, before the last day of May, yearly, pay and deliver to each creditor, according to their respective debts or claims, all the inspectors notes he or they have received, in satisfaction thereof: and if any sheriff or other collector shall refuse or delay to make payment accordingly, if required, he or they so refusing or delaying, shall forfeit and pay to the party grieved, double the value of the tobacco so refused or delayed to be paid: To be recovered, with costs, in any court of record within this dominion, if the debt due exceeds two hundred pounds of tobacco; and before any justice of the peace, if the debt be two hundred pounds of tobacco, or under.

Warehouses established.

XXXIV. *And be it further enacted by the authority aforesaid,* That public warehouses for inspection of tobacco, pursuant to this act, shall be kept at the several places herein after mentioned: that is to say;

In the county of Accomack; at Pitt's landing, upon Pokomoke, and at Guilford's, where the warehouses are now kept, under one inspection; at Pungoteague, in the same county, and Nasswaddox, in Northampton county, where the warehouses are now kept, under one inspection.

In the county of Caroline; at Conway's, and Roy's.

In the county of Charles-City; at Swinberd's; and upon the land of Richard Kennon, where the warehouses are now kept.

In Elizabeth-City county; at Hampton, upon Mr. Miles's lot.

In the county of Essex; at Bowler's, and on Piscataway creek, where the warehouses now are, under one inspection; at Hobb's-Hole, at Layton's, and on Occupatia creek, on the land of James Garnet, where Robert Jones formerly dwelt, under one inspection.

In the county of Gloucester; at Gloucester town; at Eastermost river; at Deacon's neck, and Poropotank, where the warehouses are now kept.

In the county of Hanover; at Crutchfield's; and at Crutchfield's upper landing, upon the land of Mr. Page; and at Meriwether's.

In the county of Henrico; at Warwiek; at Shoccoe's; and at Col. John Bolling's, where the warehouses are now kept; and at Bermuda-Hundred, and Turkey-

Island, where the warehouses are now kept; under one inspection.

In the county of Isle of Wight; at Wainwright's, and on Smith's land, on the east side of Pagan creek, under one inspection; and at Warrisqueak-bay.

In the county of King and Queen; at Shepherd's, and Thomas Turner's, under one inspection; at Mantapike; at Walkertown, on the lot of Mr. John Walker, in the said county; and at Waller's ferry, in the county of King-William; under one inspection.

At Todd's, in the county of King-William; at Aylet's; at Quarles's; at Williams's; and at Waller's ferry, under one inspection with Walkertown warehouse, in King and Queen.

In the county of King-George; at Bray's church; Falmouth; and on Jonathan Gibson's land, where the warehouses are now kept; and on Mr. George Morton's land.

In the county of Lancaster; at Davis's, and Skelton's, under one inspection; at Dyer's, upon Hadway's creek, in the same county, and Indian creek, in the county of Northumberland, under one inspection; and at Deep creek.

In the county of Middlesex; at Kemp's, and at Urbanna.

In the county of Norfolk; at Norfolk town, upon the fort land; at the Great Bridge, on Mr. Samuel Boush's; and at Kemp's landing, in the county of Princess-Anne, under one inspection.

In the county of Nansemond; at Sleepy-Hole; at Lawrence's; and at Constance's.

In the county of Northampton; at Cherrystone's, and Hungar's, under one inspection.

In the county of New-Kent; upon the land of Richard Littlepage; and at the Brick House, on Col. Bassett's land.

In the county of Northumberland; at Wiccocomico; and at Coan, where the warehouses now are.

In the county of Prince-George; at Bolling's-point; at Maycock's; and at Jordan's.

In the county of Fairfax; at Occoquan, and Peyton's, in Prince-William county, under one inspection; at Pohick; at Hunting creek; and on the land of the Honorable Thomas Lee, esq. at the falls of Patowmack.

In the county of Prince-William; at Quantico.

In the county of Richmond; on Rappahannock creek, near the mouth, on Mr. Fandleroy's land, and on Sir Marmaduke Beckwith's land, near the bridge over the same creek, under one inspection; and on Totasky creek, on the land of Mr. Brokenbrough, and on the land of Mr. Hornby, and on the land of the late John Carter, esq. deceased, where the warehouses are now kept, under one inspection; and at Glascock's, where the warehouses are now kept.

In the county of Surry; at Cabbin-Point; and at Gray's creek, where the warehouses are now kept.

In the county of Stafford; on Patowmack creek, upon Cave's land; and at Boyd's-Hole, where the warehouses are now kept; and at Acquia.

In the county of Spotsylvania; at Fredericksburg, and Royston's, where the said warehouses are now kept.

In the county of Warwick; at Denbeigh, where the warehouses now are.

In the county of Westmoreland; on both sides of Nomini, upon Spence's land; and on both sides of Mattox, upon Washington's and Martin's land; at Yeocomico, where the warehouses now stand, and at Rust's landing, on the same river, under one inspection.

In the county of York; at Roe's; at York-town; and at the Capitol landing, and at the College landing, in James-City county, where the warehouses are now kept, under one inspection.

In the county of James-City; at Hog-Neck, on the land of Catharine Walker.

New ware-
houses erected.

XXXV. *And be it further enacted, by the authority aforesaid,* That from and after the ninth day of November next, the public warehouses be erected at the several places herein after named: That is to say;

In the county of Henrico; on the land of John Osborne; and at the Rocky-Ridge, on the land of the late William Byrd, esq. deceased.

In the county of King-William; at a place called the Piping-Tree; to be under the same inspection with the warehouses at Williams's, in the said county.

In the county of Nansemond; at Best's landing, on Lear's creek, on the north side of Nansemond river, upon the land of William Wilkinson; to be under the same inspection with the warehouses at Sleepy-Hole, in the said county.

In the county of New-Kent; on the land of Anthony Waddy, where formerly the agents warehouses were.

And in the county of Westmoreland; on the land of Richard Bernard, formerly Butler's, upon the lower side of upper Machotack river.

And that from and after the said ninth day of November, the warehouses at Coan shall be discontinued; and new warehouses erected, at Ferry-Neck, on the upper side of Coan river, on the land of Rodham Kennner, dec'd. and on the land of Major John Waughop, on the other side of Coan river; to be under the same inspection.

XXXVI. And there shall be paid to the several inspectors appointed to attend, and attending the said several warehouses, the salaries herein after mentioned: That is to say; to each of the inspectors,

Salaries to
the inspec-
tors.

Pounds per annum.

At Pungoteague and Nasswaddox, under one inspection,	30
At Pitt's and Guildford's, under one inspection,	25
At Conway's,	45
At Roy's,	45
Upon Gibson's land,	30
At Kennon's,	30
At Davis's and Skelton's,	30
At Bermuda Hundred and Turkey Island, under one inspection,	30
At Layton's and Occupatia creek, under one inspection,	35
At Wainwright's, and on the east side of Pagan creek, under one inspection,	35
At Warrisqueak bay,	35
At Shepherd's and Thomas Turner's land, under one inspection,	35
At Deacon's neck,	35
At Poropotank,	30
At Page's,	40
At Nomini,	35
At Indian creek and Dymer's,	30
At Fredericksburg,	45
At Quantico,	35
At Hunting creek,	30
At Jordan's,	30
At the Falls of Patowmack,	30
At Accoquan and Peyton's,	30
At Pohick,	25

At Cabin Point,	45
At the Capitol and College Landings, under one inspection,	35
At Crutchfield's upper landing,	40
At Meriwether's,	35
At Warwick,	50
At Shocroe's,	30
At John Bolling's,	25
At Swinherd's,	25
At Rocky Ridge,	25
At Deep creek,	30
At Kemp's,	35
At Norfolk town upon the Fort land; at the great bridge, on Mr. Boush's land; and at Kemp's, under one inspection,	40
At Sleepy Hole and Wilkinson's, under one inspection,	30
At Gloucester town,	30
At Eastermost river,	30
At Walkertown and Waller's ferry, under one inspection,	25
At Todd's,	40
At Acquia,	30
At Quarles's,	25
At Yeocomico and Rust's,	35
At Royston's,	45
At Maycock's,	25
At Roe's,	25
At Denbigh,	25
At York town,	30
At Glascock's,	25
At Gray's creek,	30
At Hog neck,	30
At Aylet's,	35
At Boyd's Hole,	30
At Williams's, and the Piping tree, under one inspection,	30
At Bray's church,	30
At Falmouth,	45
At John Osborne's,	30
At Morton's,	30
At Hampton, on Miles's lot,	25
At Urbanna,	30
At Bowler's, and on Piscattaway creek, under one inspection,	30
At Hobbs's Hole,	30

At Lawrence's,	35
At Constance's,	60
At Cherrystone's and Hungar's, under one inspection,	25
At Mantapike,	30
At Littlepage's,	25
At the brick house,	25
At Waddy's,	25
At Wiccocommico,	35
At Mattox,	25
At Coan, upon each side of the river,	30
At Bolling's Point,	45
On Mr. Fantleroy's land, where the warehouses now stand, and upon Beckwith's land, under one inspection,	35
At Totaskey,	35
At Patowmack creek, at Cave's,	25
At Machotack,	25

XXXVII. *And be it further enacted,* That the rents of the several warehouses hereby established, shall be, and they are hereby settled at the following rates:

Pounds per annum.

At Pungoteague,	8
At Nasswaddox,	6
At Pitt's, and Guildford's,	10
At Swinherd's,	10
At Hampton,	7
At Bermuda Hundred,	8
At Turkey Island,	8
At Norfolk, Princess Anne, and the great bridge, each,	5
At Cherrystone's and Hungar's,	5
At Hog Neck,	5
At Roe's,	10
At the College landing,	10

And at all the other warehouses there shall be paid and allowed for the rents of the same, eight pence for every hogshead of tobacco that shall be received, inspected, and delivered out of such warehouses respectively.

XXXVIII. *Provided always,* That where wharfs are or shall be necessary to be built, or kept in repair at any of the said warehouses, and the rents hereby established are not sufficient for building and keeping in repair such wharfs, or where any new warehouses shall hereafter be built, in pursuance of this act, and

Where the rents are not sufficient, wharfs and new warehouses shall be built, at

the expence of the public. the rent hereby established shall not be proportionable to the expence of such building; in both the said cases, such farther allowance shall be made by the General Assembly as shall be thought reasonable; and the rents aforesaid, together with the inspectors salaries, shall be paid and allowed by the treasurer to the several inspectors, upon the passing their accounts; and the inspectors shall pay the rents to the persons entitled to receive the same, out of the money received by them for inspecting tobacco: And if the money received by any inspectors of any of the warehouses aforesaid, shall not be sufficient to pay the salaries and rents aforesaid, and other incident charges in this act mentioned, such deficiency shall be made good out of the general fund arising by the profits of the other warehouses; and if that shall prove deficient, then the said salaries, rents, and charges, shall be paid and satisfied out of any other public money in the hands of the treasurer for the time being.

How the rents and salaries are to be paid.

Proprietors of warehouses already built, shall let them to the inspectors, under a penalty.

Owners of land where warehouses are to be built, shall be summoned to the county court to declare whether they will build thereon.

XXXIX. *And be it further enacted,* That where the warehouses are already built at any of the places herein before mentioned and appointed for keeping the same, and are now made use of as, and for public warehouses, the proprietors and owners of such warehouses shall be, and they are hereby obliged to let the same to the inspectors, during the continuance of this act, at the rent hereby established for such warehouses, respectively; and if any proprietor or owner shall refuse so to do, he shall forfeit and pay one hundred pounds: And where warehouses are not already built at any of the places aforesaid, or where any new warehouse shall be hereafter appointed to be kept at any other place, it shall and may be lawful for the justices of the court of that county wherein such place is or shall be, and they are hereby required to cause the owner or proprietor of the land where such warehouses are or shall be appointed to be kept; and in case such owner or proprietor be under age, feme covert, or out of the country, then the guardian, husband, or known attorney (as the case is) of such owner or proprietor to be summoned to appear before them at the next succeeding county court after such summons shall issue, there to declare whether they will undertake to erect and build such houses, wharfs, and other conveniencies, as the said court shall think fit to direct, and let the same to the inspectors ap-

pointed to attend at such warehouses, at the rent settled by this act, or which shall hereafter be settled for the same; and in case such owner or proprietor will undertake the same, then the said court shall, and they are hereby required, to take bond, with one sufficient security, in a reasonable penalty, payable to his majesty, his heirs and successors, with a condition, for the due performance of such undertaking: And in case such owner or proprietor shall refuse to undertake the same, or to give such bond as aforesaid, then it shall and may be lawful for the said justices, and they are hereby required, to value an acre of the said land for the use aforesaid, and to agree with any person or persons for erecting and building thereon such houses, wharfs, and other conveniencies as shall be necessary, and to take bond, with good security, from such person or persons, for performing such agreement, and letting such land and houses to the inspectors at the rent settled, or to be settled, in pursuance of this act; and the person or persons with whom such agreement shall be made, upon paying or tendering to the owner or proprietor of the said land, the money at which the same shall be valued, as aforesaid, and building thereon, according to his or their agreement, shall, from thenceforth have an estate, in fee-simple, in such land, during the time such place shall be made use of for a public warehouse: and in case the proprietor of the said land, or any other person, will not build such houses, wharfs, and conveniencies on the said land, and let the same to the inspectors at the rent settled, or to be settled, as aforesaid; in that case it shall and may be lawful to and for the said justices, and they are hereby required, to pay or tender to the proprietor of the said land, the value thereof, according to the valuation before mentioned, and to cause to be built thereon such houses, wharfs, and other conveniencies, and to levy the charge thereof upon the inhabitants of their county, and shall take and receive the yearly rent established, or to be established in pursuance of this act, for reimbursing the county the charge of purchasing the said land, and building thereon; and from thenceforth, the justices of the said county, for the time being, shall be seized, in fee, of the said lands, in trust, and for the use of the said county, during the time the said place shall be made use of for a public warehouse. And where the

If they will build, the court shall take bond. But if they refuse, the justices shall value an acre of land, and agree with any other person to build upon it, taking bond. And such other person, paying or tendering the valuation money to the owner, and building thereon, shall have an estate, in fee simple, in the land as long as such place shall be used for a warehouse. But if no person will build the justices shall cause houses, &c. to be built, and the rent shall be paid to the county. Where any justices or others have built, they shall also be seized in fee simple. But if the warehouses be discontinued, the proprietor, returning the price paid, shall be again seized

justices of any county court, or any other person or persons, have already built warehouses upon the lands of another person, by virtue or in pursuance of the laws now in force, the said justices, or other person or persons, shall, in like manner, be seized, in fee, of the acre of land upon which such warehouses are built, so long as the said places, respectively, shall be made use of for public warehouses; but if any of the places whereon warehouses are or shall be built by the justices or other persons, not proprietors as aforesaid, shall hereafter happen to be discontinued, the proprietor of the land, returning the price paid for the same, shall be, from thenceforth, seized of his former estate.

Or paying the principle sum expended, with interest, deducting the rates received, shall be restored to his former estate at any time.

XL. *Provided always,* That where any warehouses have been, or shall be built, by the justices, or other person as aforesaid, and the first proprietor of the land shall desire to have the same again, such proprietor, upon payment of so much money as shall be sufficient to reimburse the said justices or other person the principal money expended, for the purchase of the land and the building such warehouses, with lawful interest, deducting the rents received by the said justices or other person, shall be restored to his former estate in the land whereon such warehouses are built; and shall receive the rents afterwards growing due for such warehouses.

But upon his failing to repair and build, the justices shall be again seized.

XLI. *Provided also,* That if any proprietor, so as aforesaid restored to his estate, shall neglect or refuse to repair and build such houses and wharfs as the court shall think necessary, the justices shall be again seized of the fee-simple estate of such land, during the time such place shall be made use of for a public warehouse; and such proprietor shall not have any benefit of the rents that shall thereafter become due.

The justices shall not have power to take away immediate conveniences. Neither shall the inspectors keep horses, cattle or swine, at the warehouses, except in inclo-

XLII. *Provided also,* That nothing herein contained shall be construed to give power to the said justices, to take away the houses, orchards, or other immediate conveniences of any proprietor of land, for the uses or purposes aforesaid; nor to the said inspectors, to keep any horses, cattle, or hogs, at any of the said public warehouses, except in inclosures upon the land appointed for such warehouses: And if any swine belonging to the said inspectors, or any of them, shall be found at large upon the land appropriated for such warehouses, or the lands adjoining thereto, it shall and may be lawful for the proprietors of the said lands to kill, or

cause to be killed or destroyed, all such swine. And the justices of the peace of the several counties, in their county courts, shall, and are hereby declared, to have full power to put in execution so much of this act as relates to the erecting and building of public warehouses, and to regulate all matters concerning the same; and to direct the building and repairing of such houses, wharfs, prizes, cranes, and other conveniences, from time to time, as to them shall seem necessary and expedient: And where any public warehouse or warehouses have been or shall be built so near any river or creek, that the tobacco brought thither may be in danger of being destroyed by the overflowings of such river or creek, the respective courts of the counties where any such warehouse or warehouses are, shall, and they are authorised and required, to direct the floor or floors of such warehouse or warehouses to be raised, in such manner as to them shall seem best: And in case the owner or proprietor of any warehouse shall refuse or neglect to make such buildings, repairs, wharfs, prizes, cranes, floors, and other conveniences, as shall be directed by the said courts, it shall and may be lawful for the said courts to direct the same to be done at the charge of the county; and the justices of the county shall receive a proportionable part of the rent for the use of the county; and if any difference shall arise between such owners and the justices, touching the proportion, the same shall be determined by the governor and council; but if there shall happen to be an immediate occasion to hire houses before others can be built as aforesaid, the rent of such houses shall be paid by the county, and be again re-paid by the public, without any charge upon the landlord. And if, upon the application of the inspectors to their county courts for building and making other necessary houses, wharfs, and repairs, such county court shall refuse or fail to do their duty therein, every justice so failing or refusing, shall forfeit and pay one thousand pounds of tobacco: To be recovered in the general court, with costs, by action of debt, or information, against such justices, jointly.

XLIII. *And be it further enacted,* That if any of the warehouses herein before mentioned shall happen to be burnt, the loss sustained thereby shall be made good and repaired to the several persons injured, by the General Assembly, at the next session after such loss: And in

And swine kept contrary to this act, may be killed. Justices declared to have full power to regulate all matters concerning public warehouse.

Penalty for neglecting their duty.

Losses by fire to be made good by the public, and inspectors indemnified.

case of such accident, no inspectors shall be sued or molested for, or by reason of, any promissory notes or receipts by them given for any tobacco burnt in the said warehouses, but shall be altogether acquitted and discharged of and from the payment of the tobacco in such notes or receipts mentioned: Any thing herein before contained to the contrary notwithstanding.

Weights and scales to be kept at every warehouse.

Justices to provide them where they are not already provided, or are worn out, at the charge of the public. And shall also try the weights once a year by the standard, and cause them to be amended.

XLIV. *And be it further enacted, by the authority aforesaid,* That there shall be kept at every one of the said warehouses herein before appointed, and at all others hereafter to be appointed, a good and sufficient pair of scales, with weights to weigh twelve hundred pounds at the least, and a sett of small weights, the same that are or ought to be provided for the standard weights of each county; and where such scales and weights are not already provided, or now are or shall be hereafter worn out, or become unfit for use, the justices of the respective county courts wherein any of the said warehouses are or shall be, are hereby directed and required, to provide the same with all convenient speed; and the treasurer of this colony is hereby empowered and required to pay the purchase-money out of the public money in his hands; and moreover, the said justices are hereby required and directed, once in every year at the least, to appoint one or more of their number to view the said scales and examine and try the weights at the several warehouses, by the standard weights of the county: And if the said scales and weights shall want repairing, or the weights be found deficient; or differing from the lawful standard, the said justices shall cause the same to be repaired and amended. and the weights made conformable to the standard; and if the justice or justices so appointed shall refuse or neglect to do the same, the justice or justices so refusing, shall forfeit and pay the sum of twenty shillings; and the charge of repairing and amending the said scales and weights, and also for removing the standard to the several warehouses for trying the same, shall be paid by the inspectors respectively, and be again allowed to them in their account with the treasurer.

XLV. And for preventing the clandestine transportation of bad and unmerchantable tobacco from this colony to the provinces of North-Carolina and Maryland, and also for the preventing the exportation of tobacco in bulk or parcels; *Be it further enacted, by*

the authority aforesaid, That no tobacco whatsoever ^{Persons clandestinely carrying tobacco into N. Carolina, or Maryland, liable to a penalty.} of the growth or production of this colony, shall, during the continuance of this act, be transported or carried into either of the said provinces of North Carolina or Maryland, either by land or water, until the same hath been first viewed, examined, and stamped, at one or other of the warehouses appointed or to be appointed in pursuance of this act, nor until due entry thereof shall be made with the officers of the customs in the district wherein the owner of the said tobacco shall reside, and a permit obtained from them for that purpose: And if any person or persons shall presume to carry or transport, or cause to be carried or transported, any tobacco not inspected and stamped, or without having obtained such permit as aforesaid, to either of the said provinces of North Carolina or Maryland, he or they so offending, shall forfeit and pay five pounds for every hogshead or cask of tobacco, and twenty shillings for every hundred pounds of tobacco in bulk or parcels, transported or carried out contrary to the directions of this act.

XLVI. *And be it further enacted*, That all sheriffs, under-sheriffs, and constables, who shall be in office at the passing of this act, shall, at the first court to be held for their respective counties after the publication thereof, take an oath, that if they shall at any time know, or be credibly informed, or have good reason to suspect, that any tobacco is pressed or packed in any cask, chest, or other package whatsoever; or any tobacco is put on board any boat or vessel, in order to be shipped off without being inspected; or that any tobacco is carrying or carried out of this colony into Carolina or Maryland, without a permit for so doing; they will forthwith make information and a particular discovery thereof to the next justice of the peace of the county where such tobacco shall be; and that all sheriffs and under-sheriffs respectively, which shall, after the passing of this act, be appointed or sworn into the said offices, shall, at the time of their being sworn, take the same oath, and obtain a certificate thereof: And every such officer failing so to do, shall forfeit five pounds current money, to the informer; to be recovered, with costs, by action of debt or information, in any court of record within this dominion: ^{Sheriffs, under-sheriffs; and constables, to take an oath.} ^{Penalty in case of failure. Inspectors the same.} and every inspector and constable shall take the same oath, at the first court held for the county where he

Power and duty of justices and officers, for preventing the exportation of un-inspected tobacco.

Persons in whose possession such tobacco shall be found, liable to a penalty.

Vessels may be searched

Penalty on the master, or any other person, resisting the officer.

resides, or at the same court, if sworn at the county court, after he shall be sworn in his office, under the like penalty. And if any justice of the peace shall know, or be informed by any of the said officers, or by any other person, upon oath, of any such tobacco so pressed or packed, in order to be shipped off or carried out of this colony without being inspected as aforesaid, such justice, or by his warrant, any sheriff, under-sheriff, or constable, within the limits of his county, shall have power and authority, and is hereby required, to enter any suspected houses, and to break open all doors, either by day or by night, to search for the same; and finding any tobacco pressed in any cask, chest, or case, that shall not contain two hundred pounds weight of nett tobacco, or any package made up in linen cords or spun yarn, of any weight whatsoever, such justice, sheriff, under-sheriff, or constable, respectively, shall seize and destroy the same; and the person in whose possession such tobacco shall be found, shall forfeit, to the informer, ten shillings for every hundred pounds weight, and so in proportion for a less quantity: To be recovered, with costs, in any court of record, if it be twenty-five shillings current money, or more; or if under that sum, before any justice of the peace of the county where the fact shall be committed; and such justice shall and may issue an execution either against the body or goods of the offender accordingly: Any law, statute, or custom to the contrary, notwithstanding. And any justice of the peace of any county near the place where any ship, sloop, boat, or other vessel shall ride, upon application to him made by any person, suspecting any tobacco in bulk or parcels to be on board such ship, sloop, boat, or other vessel, shall, and is hereby empowered and required, to issue his warrant, directed to the sheriff, or any constable of this county; and the sheriff or constable shall have full power and authority, and he is hereby required, to enter and go on board such ship, sloop, boat, or other vessel, to search for and seize such tobacco; and the same being seized, shall be brought on shore, and carried before the same or any other justice, who shall cause the same to be immediately weighed and burnt by such sheriff or constable. And if any master or commanding officer of any ship or vessel, or the skipper of any sloop, boat, or other vessel, or any other person whatsoever,

shall resist the officer in the execution of any such warrant, every such master or commanding officer shall forfeit and pay fifty pounds; and every such skipper, sailor, or other person so resisting, shall forfeit and pay ten pounds. And if any action shall be brought against any justice of the peace, sheriff, under-sheriff, or constable, for doing any thing in execution of this act, the defendant may plead the general issue, and give this act in evidence; and if the plaintiff shall be nonsuit, or a judgment pass against him upon a verdict or demurrer, the defendant shall recover double costs.

XLVII. *And be it further enacted, by the authority aforesaid,* That no person, taking upon himself the office of inspector, shall, during his continuance in that office, or within two years after he shall be out of his said office, be capable of being elected a member of the house of Burgesses, or shall presume to intermeddle or concern himself with any election of a Burgess, or Burgesses, otherways than by giving his vote, or shall endeavour to influence any person or persons to give his or their vote, under the penalty of fifty pounds for every offence; neither shall any inspector, during the time aforesaid, be, or undertake to be, collector of his majesty's quit rents, or of any public, county, or parish levies, or of any officers fees; nor shall, directly or indirectly, for himself or any other person, buy or receive, by way of barter, loan, or exchange, any tobacco whatsoever, under the penalty of forfeiting twenty shillings for every hundred pounds of tobacco so bought or received.

No inspector capable of being chosen a member of the house of Burgesses, during his office, nor within two years after; neither shall he intermeddle with any election, unless by giving his vote, nor collect or purchase any tobacco under penalties.

XLVIII. *Provided, always,* That nothing herein contained shall be construed to hinder any inspector from receiving his rents in tobacco, which shall be first viewed, examined, and stamped, according to the directions of this act.

But may receive his rents in tobacco.

XLIX. *And for the further and better direction of the inspectors aforesaid in their duty, Be it enacted,* That no inspector shall take, accept, or receive, directly, or indirectly, any gratuity, fee, or reward, for any thing by him to be done in pursuance of this act, other than his salary, and the other payments and allowances herein before mentioned and expressed: And if any inspector shall take, accept, or receive any such gratuity, fee, or reward, every such inspector, being thereof convicted, shall forfeit and pay fifty pounds current money: To be recovered, with costs,

Penalty on inspectors taking a bribe.

And upon
the person
offering it.

by any person or persons who shall inform or sue for the same, by action of debt, bill, plaint, or information, in any court of record within this dominion; and moreover, shall be disabled from holding the place or office of an inspector during the continuance of this act: And if any person or persons shall offer any bribe, reward, or gratuity to any inspector, for any thing by him to be done in pursuance of this act, other than the fees and allowances herein before mentioned and appointed, every person so offending, and being thereof convicted, shall, for every such offence, forfeit and pay the sum of ten pounds current money: To be recovered in any court of record within this dominion: One half of which said forfeiture shall be to our sovereign lord the king, to and for the use of such inspector refusing such bribe or reward; and the other half to the person or persons who will inform or sue for the same.

Inspectors
paying away
tobacco shall
open it, if re-
quired.

Method to
be taken, if
to be refused.

L. And be it further enacted, That when any person shall be entitled to receive a hogshead of tobacco by virtue of any inspectors notes or receipts, the inspectors shall be obliged to open the hogshead, and shew such tobacco to the person demanding the same, if required, whether such tobacco be crop or transfer; and if such person shall refuse to accept of the tobacco offered or tendered in payment, as bad, unsound, and unmerchantable, such person so refusing and not accepting thereof, shall make immediate application to any three justices near or nearest to the warehouse at which the tobacco so refused shall be offered or tendered in payment, who are no ways related to the parties nor concerned in interest, and the said justices shall take an oath before some other justice of the said county, (which oath such justice is hereby empowered and required to administer,) carefully to view and examine the said tobacco, and, to the best of their skill and judgment, not to pass any tobacco that is not sound, well-conditioned, merchantable, and clear of trash, according to the directions of this act; and that they will therein do their duty according to their judgment and conscience, without fear, favour, affection, malice, or partiality: which said three justices so sworn, are hereby directed, empowered, and required, upon such application, to repair to the warehouse where such tobacco shall be offered or tendered in payment, and carefully to view and examine the same, in such manner as they shall think fit; and if any two of

them shall adjudge the tobacco so tendered in payment, to be bad, unsound, or unmerchantable, to cause the same to be immediately burnt; and for their trouble, the said three justices who shall be present at such view, shall be paid, by the inspector or inspectors who offered the same in payment, five shillings each; and if the said justices, or any two of them, shall adjudge the said tobacco so tendered or offered in payment, to be good, sound, and merchantable, according to the directions of this act, the said justices so attending, shall be paid, by the party desiring such view, five shillings, as aforesaid: And when any tobacco shall be tendered or offered in payment by any inspector, and refused, the said inspectors shall not be at liberty to tender or offer in payment, nor the person demanding the same to receive, any tobacco in lieu thereof, before such tobacco shall have been viewed as aforesaid; but the person refusing shall immediately mark the same: And if any inspector shall offer or tender in payment any tobacco in lieu of the tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same tobacco so refused, to the said justices, in either case it shall be taken for a conviction that the tobacco first tendered in payment was bad, unsound, and unmerchantable; and moreover the said inspectors shall forfeit and pay ten pounds for every such offence: And if the person who shall refuse any hogshead of tobacco as aforesaid, shall accept or receive another hogshead of tobacco in lieu of that refused, before such hogshead so refused shall be viewed, as aforesaid, he shall forfeit and pay ten pounds for every such hogshead.

No other tobacco shall be tendered or received in lieu of the tobacco refused, 'til that hath been viewed, under a penalty both upon the inspector and receiver.

Ll. *And be it further enacted*, That when any new inspector or inspectors shall be appointed at any of the said warehouses, such inspector or inspectors shall, and they are hereby required, to give to the person or persons whom they shall succeed, a receipt, with his or their hands subscribed, containing the numbers, marks, tare, gross, and nett weight of all and every hogshead or cask of tobacco, which shall be then remaining at the warehouse or warehouses at which they are appointed inspectors; with the delivery and payment of which said hogsheads or casks of tobacco so remaining, he or they shall, from thenceforth be chargeable and liable; but he or they shall in no wise be accountable or answerable for the loss of

The duty of inspectors declared, in several particulars.

weight, or for quality, of tobacco contained in any hogshead for which such receipt was by him or them so as aforesaid given: And if any hogshead or cask of tobacco shall hereafter be received by any person or persons whatsoever, and delivered out of any of the said warehouses, for exportation, by the inspector or inspectors attending the same, such inspector or inspectors, from the time of such delivery, shall be forever discharged and acquitted from all actions, costs, and charge, for or by reason of the tobacco contained in any such hogshead or cask being unsound and unmerchantable, or of less quantity than the notes or receipts given for the same: Any thing herein before contained to the contrary, notwithstanding. And when any prized tobacco shall be brought to any public warehouse, in order to be shipped on freight, and the inspectors there attending shall refuse to pass such tobacco, unless such as shall be bad and unmerchantable shall be picked and separated from the rest; or where any light crop tobacco shall hereafter be brought to any of the said warehouses; in either case the said inspectors, if required, shall permit the owner or other person bringing such tobacco to make use of one or more of their prizes, for the re-packing, prizing, or making heavier such tobacco, without fee or reward: And if there shall be several hogsheads of tobacco, belonging to several owners, to be picked, repacked, prized, or made heavier, at any public warehouse, the owner or other person bringing the same, whose tobacco shall be first viewed, and refused or found light, shall be first permitted and allowed to make use of such prize or prizes: And the same rules shall be observed in the prizing all tobacco which shall be picked, repacked, prized, or found light as aforesaid: And for all tobacco repacked and prized by the owner thereof, or the servants and slaves to him belonging, there shall be paid to the inspectors thereof only three shillings for stamping; and for all tobacco repacked and prized by the inspectors, five shillings for each hogshead, and also six pence for nails, unless the proprietor shall find and provide nails: And no inspector shall take, or convert to his own use, or otherwise dispose of, any draughts or samples of freight or crop tobacco, but the same, (if fit to pass) shall be put into the hogshead out of which it was drawn; under the penalty of forfeiting twenty shillings for every

draught so taken away, contrary to the directions of this act: to be recovered before any justice of the peace of the county wherein such offence shall be committed: And all inspectors, if required, shall alter the mark and number of any hogshead of tobacco for which they have before given a receipt; and for preventing confusion and mistakes, shall keep a waste book, in which shall be entered the marks and numbers of all hogsheads of tobacco received by them; and another book, in which shall be entered the marks and numbers thereof, when the same shall be delivered out by them: And all inspectors, when required, shall be obliged to prize any hogshead of tobacco under nine hundred and fifty pounds nett, so as to make it up that weight; but shall receive the same fee upon such hogshead as for transfer tobacco, and may make the lawful abatement of the tobacco prized in. And where any tobacco shall be brought to any warehouse by the overseer of the owner thereof, the inspectors shall give notes and receipts in the name of the owner, and not of the overseer.

LII. And for preventing the cutting and manufacturing bad, unsound, and trash tobacco, *Be it further enacted, by the authority aforesaid,* That from and after the passing of this act, no person whatsoever shall cut, manufacture, and prize into any hogshead or cask, any tobacco which shall not have been viewed, examined, and passed, at some or one of the public warehouses, before the same shall be cut and prized: And every person bringing any hogshead or cask of cut and manufactured tobacco to any warehouse to be viewed, stamped, and passed, shall, before the same be viewed and examined or stamped, make oath, before the inspectors of the warehouse to which the same shall be brought, or one of them. (which oath the said inspectors, or one of them, is and are hereby empowered and required to administer.) That all the tobacco, cut and manufactured, contained and prized in such hogshead or cask, was, before the same was cut and prized, viewed, examined, and passed at some or one of the public warehouses in this colony; and that, to his knowledge, privity, or direction, no other tobacco hath been packed or prized in such hogshead or cask, and it shall not be lawful for any inspectors to view, pass, and stamp any hogshead or cask of cut and manufactured tobacco, before such oath be taken

No tobacco shall be cut and manufactured before it has been inspected.

Persons bringing such tobacco to the warehouse, shall make oath, before it shall be passed.

Penalty on
offenders.

by the person bringing or owning the same: And if any person shall presume to cut and manufacture any tobacco which shall not have been first viewed, examined, and passed at some or one of the public warehouses as aforesaid, in breach of this act, and of the said oath, every such person so offending, and being thereof lawfully convicted, shall forfeit and pay for every such offence, ten pounds; and moreover shall suffer as in case of wilful and corrupt perjury.

Light hogs-
heads or
parcels of to-
bacco may
be delivered
out by the
inspectors to
the owner,
but shall be
again in-
spected be-
fore it shall
be shipped.

LIII. *And be it further enacted*, That any light hogshead or parcel of tobacco, after the same shall be passed at any public warehouse and not stamped, shall and may be delivered out by the inspectors to the owner of their notes, and such tobacco may be carried away, for the better sorting and stemming or cutting the same; provided that such tobacco shall not be shipped off until it shall be again inspected, passed, and stamped; for which the inspectors shall receive the established fees; under the same penalties as are herein before inflicted, for shipping off, and taking on board any ship or other vessel, tobacco not inspected, viewed, and stamped, according to the directions of this act.

Owners of
transfer
notes may
receive and
mark hogs-
heads, and
inspectors
shall give
crop notes,
and be an-
swerable for
such hogs-
heads, as for
crop tobacco,
the owner pay-
ing 2s. 6d.
down, and
3s. on deli-
very.

LIV. *And be it further enacted*, That the owner of any transfer notes may, at any time before the first day of October in every year, receive and mark hogsheads of tobacco for satisfying such notes; and the inspectors shall take in their former notes, and deliver crop notes and receipts for such hogsheads, and shall be answerable for the safe keeping thereof, in the same manner as they are for crop tobacco; but the person receiving such hogsheads shall pay to the inspectors five shillings and six pence for the inspection and nails for every hogshead, that is to say, two shillings and six pence down, and three shillings when the tobacco shall be delivered: And the inspectors shall, at the court held for their county in the month of October, yearly, or if there be no court in that month, then at the next court held for their county, lay before the court an account, upon oath, of all the transfer notes that were not by them taken in and received before the said first day of October; and after such account exhibited, and oath made, shall sell the tobacco in such notes contained, deducting the allowance for shrinkage and wasting, at public auction, at the door of the court house, between the hours of twelve and

Inspectors
shall, upon
oath, lay be-
fore the
county court
in October,
or at the
next court,
an account

two; and the inspectors shall pay the money arising by such sale in satisfaction of their notes, from time to time, to the proprietors thereof, making their demand, under the same penalty as is inflicted for not paying inspectors notes: And all inspectors shall keep a just and true account of the tobacco gained or saved, upon the allowance made for cask, or for shrinkage of transfer tobacco: And if any tobacco shall be so gained or saved, shall exhibit an account thereof, upon oath, in the same manner as is before directed concerning transfer tobacco not received, and shall also sell the tobacco so gained and saved, in the same manner as is directed for the sale of transfer tobacco; and shall account for the money arising by such sale to the treasurer of this colony for the time being, in their next account with him, and the said treasurer shall account for the same to the General Assembly; and no inspector shall convert any tobacco so gained or saved, to his own use.

of all the transfer tobacco in their hands, and shall sell the same, and pay the money to the owners; and shall also account for and sell the tobacco gained for cask, or shrinkage, and pay the money to the treasurer.

LV. *And be it further enacted, by the authority aforesaid,* That all inspectors shall, annually, before the tenth day of November in every year, account with the treasurer of this colony, upon oath, for all monies received, or which ought to be received by them, by virtue of this act, (except the money paid for nails,) for every hogshead of transfer tobacco; in which account they shall be allowed their salaries, the rents of the warehouses, and all other necessary disbursements, in pursuance of this act.

To account with the treasurer before the 10th of November yearly.

LVI. *And for the better detecting of inspectors,* who shall not do their duty, and the more speedy and easy examination into complaints against them; *Be it further enacted,* That any two justices of the peace, not being inspectors, shall have power to hear all complaints against any inspector within their county, and to take the depositions of witnesses upon the matter of such complaint, on both sides; which shall be transmitted by them to the governor and council, for their determination: And to the end such depositions may be taken in the best manner, the clerk of the county, or some sufficient person by him to be appointed, shall attend the said justices for that purpose, and be paid by the county the same fee, as is or shall be by law established for attending the examination of witnesses upon a *Dedimus Potestatem*; and moreover, any two justices shall have power to visit all or any

Inspector guilty of a breach of duty; how to be proceeded against.

If removed from his office, shall be liable to an action of the prosecutor for his costs, and of the party grieved for his damages.

of the public warehouses within their county, and if they shall discover any negligence in the inspectors, either in securing the tobacco, or stowing the same away in a proper manner for saving the room in such houses; or that they do not keep a sufficient number of hands for dispatching the business; or do not attend constantly, according to the direction of this act; or that they are guilty of any other breach or breaches of their duty; the said justices shall certify the governor and council thereof: And if any inspector shall be adjudged guilty of a breach of his duty, he shall be removed from his office, and for ever after be incapable of serving as inspector. And if any inspector shall be removed from his office, upon a complaint and prosecution against him in the method by this act prescribed, he shall be liable to the action on the case of the prosecutor, for his necessary costs and expences in such prosecution, in which the prosecutor shall recover his full costs of suit; and every inspector shall moreover be liable to the action of the party grieved for all loss and damage that may happen or arise to any person by occasion of any failure of duty, or neglect of any such inspector; in which action the plaintiff shall recover his full costs altho' the damages do not exceed forty shillings.

Penalties appropriated, and how to be recovered.

LVII. *And be it further enacted, by the authority aforesaid.* That all the penalties and forfeitures in this act contained, and not herein before particularly appropriated, shall be, one moiety to our sovereign lord the king, his heirs and successors, to be applied towards defraying the charges of the execution of this act, and the other half to the person who shall inform or sue for the same; and shall and may be recovered, with costs, by action of debt or information, in any court of record within this dominion, where the penalty or forfeiture exceeds twenty five shillings, or two hundred pounds of tobacco; and where the same does not exceed those sums, before any justice of the peace of the county where the offence shall be committed.

LVIII. And whereas ill-disposed persons may be encouraged to offend against the laws herein before recited, and now in force, For amending the staple of tobacco, and preventing frauds in his majesty's customs, in hopes to escape punishment by reason of the expiration of the said laws; for preventing whereof, *Be it enacted, by the authority aforesaid,* That all penal-

ties and forfeitures laid and imposed by any of the said recited laws, and all breaches and offences against the same, shall and may be sued for and prosecuted and judgments given in such suits and prosecutions, notwithstanding the said laws shall be expired at the time of the prosecutions begun or judgments given, in the same manner as such suits and prosecutions might have been commenced and judgments given, in case the said laws were not expired: Any law, statute, custom, or usage to the contrary thereof, in any-wise, notwithstanding.

Penalties imposed by former acts may be sued for, and recovered, after the expiration of such acts.

LIX. *Provided always*, That such prosecution be commenced within one year after the offence committed.

Within a year after the offence committed. Continuance of this act.

LX. *And be it further enacted*, That this act shall continue and be in force, from and after the passing thereof, for and during the term of four years, and from thence to the end of the next session of Assembly.

CHAP. LII.

An Act, for continuing the Act, intituled, An Act for reducing the laws made for laying a duty upon liquors, into one act of Assembly.

I. WHEREAS the act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, 'An Act for reducing the laws made for laying a duty upon liquors, into one act of Assembly, will expire on the tenth day of June, which shall be in the year of our lord one thousand seven hundred and fifty one; and it being necessary and expedient that the same shall be further continued:

Preamble.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of Assembly shall continue and be in force, from the tenth day of June, 1751

Former act continued for 4 years, from the 10th June 1751

which shall be in the year of our lord one thousand seven hundred and fifty one, for and during the term of four years, from thence next following, and no longer.

Preamble.

III. And whereas an act for re-building the Capitol is passed this present session of Assembly, which will require a considerable sum of money to be raised for putting the same in execution, and the produce of the present duties upon liquors and slaves is found very deficient, and falls short of answering other public debts chargeable thereon; and it appearing to this General Assembly, that the laying an additional duty on liquors imported, will be the most easy expedient for raising a fund to defray the charges of the said re-building, and other public debts:

Additional duty of 1d. a gallon laid on rum, &c. Wine imported except from Great Britain, for 4 years; to be collected and paid in the same manner as the former duty.

IV. *Be it therefore further enacted, by the authority aforesaid,* That for every gallon of rum, brandy, and other stilled spirits, and every gallon of wine, which from and after the first day of January next, shall be imported and brought into this colony and dominion; either by land or water, from any port or place whatsoever, except directly from Great Britain, an additional duty of one penny, shall be paid by the owner or importer thereof, for and during the term of four years, from thence next following, and no longer: And that the said additional duty shall be collected, levied, and paid, in the same manner, within the same time or times, and under the same penalties, as the duties of two pence and one penny per gallon upon rum, brandy, or other distilled spirits, and wine, laid by the said first recited act, are therein directed to be collected, levied, and paid; and shall also be drawn back upon exportation, and subject to the abatement and allowance of fifteen per cent, when paid in money imported; and shall be, by the respective collectors thereof, accounted for, and paid to the treasurer of Virginia for the time being, in the same manner, at the same time or times, and to the same use or uses, as the said duty of two pence is, by the said first recited act directed and required to be accounted for and paid.

CHAP. LIII.

An Act for appointing a treasurer, and other purposes therein mentioned.

I. WHEREAS by one act of Assembly, made in ^{Recd.} the fifteenth year of his majesty's reign, John Robinson, the younger, esquire, was appointed treasurer of the revenue arising by two several acts of Assembly, for laying a duty upon liquors, the one made in the twelfth year of the reign of his late majesty king George the first, and the other made in the fifth and sixth years of the reign of his present majesty; and by one other act of Assembly, made in the fifth and sixth years of his present majesty's reign, for laying a duty upon slaves; and also by one other act of Assembly, made in the thirteenth year of his majesty's reign, intituled, An Act for laying an additional duty upon slaves, to be paid by the buyers; for encouraging persons to enlist in his majesty's service, and for preventing desertion; to hold the said office of treasurer so long as he should continue speaker of the house of Burgesses; and from the time of his being out of that office, until the end of the next session of Assembly: And whereas the said first mentioned act will expire at the end of this session of Assembly, and it being expedient that a treasurer should be appointed;

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, John Robinson, the younger, esquire, shall be, and he is hereby nominated, constituted, and appointed treasurer of the revenue arising from the duty upon liquors and slaves, laid and imposed by one act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An Act for reducing the laws made for laying a duty upon liquors, into one act of Assembly; and by the said act for laying a duty upon slaves: To hold the said office so long as he shall continue speaker of the house of Burgesses; and from the time of his being out of that office, until the end of the next session of Assembly. And the said John Robinson is hereby authorised, empowered, and

A Treasurer
appointed

Tenure and
duty of his
office.

required to demand, receive, and take, of and from the several collectors of the said duties, all and every the sum and sums of money arising by force and virtue of the said acts, or any or either of them, and shall apply and utter the same to and for such uses, and upon such warrants, as by the said acts for laying the said duties, or by any other act or acts of the General Assembly, is, or shall be appointed or directed; and shall be accountable for the said money to the General Assembly.

His Salary.

III. *And be it further enacted by the authority aforesaid;* That the salary of five pounds in the hundred, and so proportionably, for a greater or lesser sum, shall be allowed and paid to the said treasurer hereby appointed, out of all and every the sum and sums of money by him received, and accounted for to the General Assembly as aforesaid; and that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred pounds per annum, for his trouble and service therein.

Security to be given.

IV. *Provided always,* That the said treasurer, before he enters upon his office, shall give such sufficient security, as shall be approved by the governor or commander in chief of this colony, in the sum of ten thousand pounds, for the due answering and paying all the money by him, from time to time, to be received, as aforesaid.

In case of his death, &c. governor may appoint another, who shall also give security.

V. And to the end a treasurer may not be wanting, in case of the death, resignation, or disability of the treasurer hereby appointed; *Be it further enacted,* That in either of these cases, it shall be lawful for the governor or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties, to hold the said office, with all powers, authorities, salaries, and profits aforesaid, until the end of the next session of Assembly: Which treasurer so appointed shall, before he enters upon his office, give the like security as is herein before directed.

Treasurer impowered to take up money on interest, for rebuilding

VI. And whereas the present low condition of the public treasury doth require some money to be raised, for discharging the expence of re-building the Capitol, in the city of Williamsburg; *Be it further enacted, by the authority aforesaid,* That the said treasurer be,

and he is hereby impowered and required, to borrow the Capitol, a sum of money, not exceeding three thousand pounds, and the duties shall or so much thereof as shall be sufficient for the purpose aforesaid, at an interest of five per cent. which stand as security for money so to be borrowed, with the interest thereof, the payment shall be allowed to the said treasurer in his accounts. And the revenue or duties in this act mentioned shall, and are hereby declared to stand, be, and remain as a security, for the payment of the money so to be borrowed. And the said treasurer is hereby required to re-pay such money, with interest, out of the public monies, that shall come to his hands, either by receipt of the duties aforesaid, or otherwise.

CHAP. LIV.

An Act for re-building the Capitol in the City of Williamsburg.

I. WHEREAS his majesty's royal Capitol, in the Preamble. City of Williamsburg, had been unhappily burnt down; and it is necessary that the same be re-built with all possible expedition, for the convenient sitting and holding of the General Assemblies and general courts of this colony:

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That John Blair, and William Nelson, esquires, Philip Ludwell, Carter Burwell, Edward Digges, Peyton Randolph, Beverley Whiting, and Benjamin Waller, gentlemen, or any five of them, be, and they are hereby impowered, to covenant, agree with, hire and employ such and so many undertakers, workmen, and labourers, and to provide, furnish, and buy such materials as they or any five of them, shall think convenient and proper, to be employed and made use of in and about such re-building, repairing, and altering the said Capitol, on the old foundations, and to give such necessary orders and directions therein, from time to time, as they shall see cause, until it shall be finished.

Persons appointed to agree with workmen for re-building the Capitol.

Directors to apply to the governor for his warrant to the treasurer for money not exceeding 3000*l*. to carry on the work; and to account to the General Assembly.

III. *And be it further enacted, by the authority aforesaid,* That the said directors, as often as they shall have occasion for money for the uses aforesaid, shall, from time to time, apply themselves to the governor or commander in chief for the time being; to issue out his warrant to the treasurer of this colony, to pay so much money as shall be wanting, for the purposes aforesaid, not exceeding the sum of three thousand pounds; who is hereby required to pay the same accordingly: Which said sum or sums the said directors shall account for to the next meeting of the Assembly, after the work aforesaid shall be finished.

Proviso, that this act shall not fix the seat of government, in Williamsburg.

IV. *Provided nevertheless,* That nothing herein contained shall be construed, deemed, or taken, to establish or fix the seat of government in the city of Williamsburg; but that the said Capitol, when it shall be so re-built, repaired or altered, shall only be and remain as a building for holding General Assemblies and general courts, until such time as it shall be thought, by any future Assembly, convenient and necessary, and for the general benefit of this colony, to cause a building, for the purposes aforesaid, to be erected on some other place, more convenient to the inhabitants of this colony, and commodious for trade and navigation: Any thing in this act to the contrary, or seeming to the contrary, in any-wise, notwithstanding.

CHAP. LV.

An Act for confirming the grants made by his majesty, within the bounds of the Northern-Neck, as they are now established.

Preamble.

I. WHEREAS in the late dispute and controversy, touching the limits and boundaries of the several letters patent granted by their late majesties king Charles the second, and king James the second, unto the ancestors of the right honourable Thomas lord Fairfax, it hath been adjudged and determined by his present majesty, in council, that the said letters patent do include all that tract or territory of land between the

rivers of Patowmack and Rappahanock, and the line now marked from the head spring of the said river Patowmack, to the head spring of Rappahanock, commonly called the Conway; in which said tract or territory of land, as is before described, many adventurers and planters have taken up great quantities of land, and obtained grants and patents thereof from the crown, under the seal of this colony: And whereas the said Thomas lord Fairfax hath consented, before the king, in council, that the several grants and patents, made by the crown of the lands included in the boundary aforesid, should be confirmed to the several grantees, their heirs and assigns; to be held nevertheless of the said lord Fairfax, under the like rents, services, profits, and emoluments, as should be paid, done, and arise, by and from the said grants made by the crown.

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That all grants and patents whatsoever, under the seal of this colony, for lands situate and lying within the limits and boundaries of the letters patent granted to the ancestors of the said lord Fairfax, as the same are now settled and determined, heretofore made and granted by the crown, shall be held, deemed, and taken to be valid and effectual; and the adventurers and planters to whom the same were granted, their heirs and assigns, shall, for ever hereafter, peaceably and quietly, have, hold, and enjoy the said granted premisses, respectively, according to such granted estates; under the rents and services in the said grants reserved; to be paid and performed to the said Thomas lord Fairfax, his heirs and assigns, for ever: Any mis-recital or defect in the said grants notwithstanding.*

Grants from the crown of lands in the Northern Neck confirmed, but the rents and services shall be to the lord Fairfax, and his heirs.

CHAP. LVI.

Expired. *An Act for destroying Crows and Squirrels.**

CHAP. LVII.

An Act for continuing an Act, intituled, An Act for the better regulating and collecting certain officers fees; and for other purposes therein mentioned.

Preamble. 1. WHEREAS an act of Assembly made in the nineteenth year of the reign of his present majesty, intituled, An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned, will expire on the twelfth day of April next; and it is expedient that the same should be further continued:

Former act to continue four years, from the 12th of April next II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act shall continue and be in force, from and after the said twelfth day of April next, for and during the term of four years, from thence next following, and no longer.

* Of the acts of this session, the editor has to regret that, for the present, he will be compelled to publish a few, by their titles only,—it having been impossible to procure the acts at large, in this country.—He has reason to believe, however, that every deficient act may be obtained in England. Already has one been procured, through his agency;—and every effort will be made to obtain the others.—Should he succeed, as he has every reason to believe that he shall, all the acts, the titles of which only have been given, will be published in an appendix to the last volume.

From this date to the present time, (1819) the editor has the satisfaction to state, that he has every act of Assembly, and ordinance of Convention, during the revolution.

CHAP. LVIII.

An Act for raising a public levy; and other purposes therein mentioned. Had its effect.

CHAP. LIX.

An Act for altering the method of holding Courts in the Counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta.

I. WHEREAS by reason of the large extent of the Preamble.
counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, the attendance of the inhabitants at monthly courts is grievous and burthensome, and it is impossible for the officers to execute writs, and other process returnable thereto; whereby great delays are occasioned in determining suits commenced and prosecuted in the said courts: for remedy whereof,

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, Courts to be held quarterly.
and it is hereby enacted by the authority of the same, That from and after the twentieth day of June next, there shall be held only four courts, in every year, in each of the said counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, on the days herein after mentioned, that is to say; for the said counties of Brunswick and Fairfax, on the last tuesdays in March, June, September, and December; for the said county of Lunenburg, on the first tuesday in January, April, July, and October; for the said county of Frederick, on the second tuesday in February, May, August, and November; for the said county of Albemarle, on the second tuesday in February, May, August, and November; and for the said county of Augusta, on the fourth tuesday in February, May, August, and November: And that all per-

A A—Vol. 6.

souſ may be the better aſcertained when to attend any proceſs, or pleas, they ſhall have depending in in the ſaid courts:

How long
they ſhall
ſit.

III. *Be it further enacted, by the authority aforeſaid,* That the ſaid courts of the ſeveral counties aforeſaid, ſhall begin upon the reſpective days herein before appointed, and ſhall continue to be held from day to day, excluſive of Sundays, until all cauſes and controverſies then depending before the ſaid courts, reſpectively brought, by attachment, or petition, or in which any iſſue is to be tried, writ of inquiry to be executed, ſpecial verdict, caſe agreed, or demurrer to be argued, or any cauſe ſet down for hearing, or argument in chancery, ſhall be heard and determined; and ſhall not admit of any delay, 'til another court, in the determination of any ſuch ſuit, unleſs good cauſe be made appear for ſuch delay, except in caſes where by this act it is otherwiſe directed. And that, before every of the ſaid courts, the clerk ſhall enter, in a particular docket, all ſuch cauſes as aforeſaid, and thoſe only; placing thoſe wherein the attendance of witneſſes is required, firſt in order thereon.

Proviſo in
caſe of ſick-
neſs, &c.

IV. *Provided nevertheless,* That if through ſickneſs, or other inability, badneſs of weather, or other accident, it ſhall ſo happen, that a ſufficient number of juſtices ſhall not meet for holding the ſaid courts, upon the days herein before appointed, in ſuch caſe it ſhall and may be lawful, for any one juſtice, to adjourn the court, whereof he ſhall be a judge, from day to day, not exceeding three days, until a ſufficient number of juſtices can attend to hold court.

Rules con-
cerning at-
tachments.

V. *And be it further enacted, by the authority aforeſaid,* That when goods, or other eſtate, of any perſon or perſons, ſhall be attached, by virtue of an attachment granted by a juſtice out of court, it ſhall and may be lawful, for ſuch perſon or perſons, to replevy the ſame, by giving bond, with good ſecurity, to the ſheriff, or other officer, ſerving the ſaid attachment (which bond the ſaid ſheriff, or other officer, is hereby impowered and required to take) to appear at the court, to which ſuch attachment ſhall be returnable, and to abide by, perform, and ſatisfy the order and judgment of ſuch court: And where the eſtate ſo attached is perſhable, if the perſon or perſons to whom it belongs ſhall not, within thirty days after ſerving ſuch attachment, replevy the ſame, then ſuch eſtate ſhall be ſold, by the ſheriff or other officer ſerv-

ing such attachment, in the same manner as goods taken in execution by *Fieri Facias*; and the money arising upon such sale, shall be liable to satisfy the judgment obtained upon such attachment, or other order of such court.

VI. *And be it further enacted, by the authority aforesaid,* That upon the replevying any effects attached in manner aforesaid, the sheriff shall return the names of the securities by him so taken, upon such attachment; and if such security shall be adjudged insufficient by the court, or the defendant shall fail to appear, and give special bail, when thereunto ruled by the court, such sheriff or security shall be subject to the same judgment and recovery, and have the same liberty of defence, relief, and remedy, as in like cases by law is provided, in suits depending in the general court, upon security taken by any sheriff, upon the execution of meane process.

VII. *And be it further enacted, by the authority aforesaid,* That upon executing any process, whereupon bail shall be requirable, the sheriff shall return therewith the names of the bail by him taken, and if he shall not return bail, or the bail by him returned shall be adjudged insufficient by the court, or the defendant shall fail to appear, or to give special bail, when thereunto ruled by the court, such sheriff, or bail, shall be subject to the same judgment and recovery, and shall have the same liberty of defence, relief, and remedy, as in like cases is by law provided, in suits depending in the general court.

Rules concerning bail.

VIII. *Provided always,* That every interlocutory or final judgment, against any defendant and the sheriff, or against any defendant and the bail, returned by the sheriff, entered or obtained before any court next ensuing the return of the writ, upon which such defendant was arrested, shall be set aside if the defendant, at the next court, ensuing the return, as aforesaid, shall be allowed to appear without bail, or shall put in good bail, and plead to issue immediately.

IX. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful, for any judge, or justice of the said courts; and every such judge, or justice, is hereby authorized and empowered, when the said courts are not sitting, to take a recognizance of bail, in any action depending in the court, whereof any such judge or justice shall be a member, *de bene*

esse, which recognizance shall be in the following words, to wit:

Memorandum, That upon the _____ day of _____ in the year of our Lord E. F. of the county of _____ personally appeared before me, G. H. gent. one of his majesty's justices of the peace of the said county of _____ and undertook for C. D. at the suit of A. B. in an action of _____ now depending in the court of the said county, that in case the said C. D. shall be cast in the said suit, he the said C. D. will pay the condemnation of the court, or render his body to prison in execution for the same, or that he the said E. F. will do it for him. Which recognizance shall be, by the justice taking the same, returned to the clerk, before the next succeeding court. And if the plaintiff or his attorney shall except to the sufficiency of the bail so taken, notice of such exception shall be given to the defendant or his attorney, at least five days before the next succeeding court; and if the bail so taken shall be judged insufficient by the court, the recognizance thereof shall be discharged, and such proceedings shall or may be had against the defendant, or defendants, as if no such bail had been taken; but if such bail shall be judged sufficient, or shall not be excepted to within the time aforesaid, then the same shall stand and be chargeable, to all intents and purposes, as if the recognizance had been taken in court.

How the plaintiff shall proceed against the defendant in custody.

X. *And be it further enacted, by the authority aforesaid,* That where any defendant shall be in custody, the plaintiff may file his declaration, and give a rule to plead, and shall deliver a copy of such declaration, and rule to the defendant, or his attorney, five days at least before the next succeeding rule day; and if thereupon, and oath made of the delivery of such copy, before any one of the judges of the court of the county where such person shall be in custody, such defendant shall fail to enter his plea upon such rule day, the plaintiff may have judgment, in the same manner as is herein after directed, upon failing to plead in any civil action.

What process shall issue where a defendant is not to be found.

XI. And for the better ascertaining what process may be sued out, where the sheriff returns, that the defendant is not to be found in his bailiwick, *It is hereby enacted,* That where any sheriff shall make such return, the plaintiff or plaintiffs, in any civil ac-

tion, shall and may sue out an attachment against the estate of such defendant returnable, as herein before is directed, for the return of original or other subsequent process thereupon, to force an appearance, or an alias or pluries capias, at the election of the plaintiff or plaintiffs; and if the sheriff shall return any goods by him attached, the plaintiff shall file his declaration, and be entitled to a judgment for his whole debt; and the goods so attached shall remain in custody of the sheriff 'til such judgment obtained, and then be sold and disposed of, in the same manner as goods taken in execution upon a writ of Fieri Facias: And if the judgment shall not be satisfied by the goods attached, the plaintiff may have an execution for the residue.

XII. *Provided always*, That all goods so attached shall and may be replevied, by the defendant's giving bond and security to the sheriff, or other officer attaching the same, in the same manner as by this act is directed, for replevying goods attached upon an original attachment, or by the defendant's appearance and putting in good bail, if ruled by the court to give special bail. And for the more speedy determination of all causes depending in the said courts: Proviso.

XIII. *Be it further enacted by the authority aforesaid*, That these following rules and methods shall be observed, to wit, That the plaintiff, or demandant, in any suit, shall file his declaration the day after the court, to which the writ is returnable, which said day is hereby declared to be the day of appearance, to all writs, subpoenas in chancery, and other mesne process, returnable to the said court, and the first rule day after such court; and the said rules shall be continued thereafter, to be held monthly, on the same day of the week on which such appearance day shall be: That if the plaintiff or demandant fails to file his declaration, or to appear and prosecute his suit, he shall be non-suited: That upon every non-suit five shillings shall be paid, besides cost of the suit: That every defendant or tenant shall file his plea in writing; and if he fail so to do, judgment shall be given against him for want of a plea: when the defendant has entered his appearance, and the plaintiff filed his declaration, the plaintiff may give a rule to plead, with the clerk of the court: that all rules to plead, reply, rejoin, or for further or other proceedings shall be given regularly, from month to month, after the rule for plead- Rules in causes at common law.

ing is expired, with the clerk in his office upon the days herein before directed; and no rule shall be given between month and month, to the end that all persons by inspecting the rule book to be kept by the clerk for that purpose, may know what proceedings have been, or are to be, in the several causes there depending: that upon the expiration of any rule, judgment by default or a non-suit shall be signed by the clerk in his office, as of the preceeding court, which judgment shall be final in actions of debt, where the debt is certain; and in other actions a writ of enquiry shall be executed the next court after judgment so signed, the plaintiff or his attorney, giving the defendant, or his attorney, twenty days notice of the execution thereof: that no issue shall be tried the next succeeding court after it is joined, unless twenty days notice be given thereof, by the plaintiff or his attorney, to the defendant or his attorney: If an issue be not tried, or a writ of inquiry not executed, the next court after it is joined, or judgment by default, or interlocutory judgment entered, no notice of trial or executing such writ need to be given; but such causes shall be called and determined, in the same order as they stand on the docket: that when any final judgment shall be obtained out of court, the clerk shall allow a lawyer's fee in the bill of costs, if the plaintiff employed one; which fee is hereby declared, in all cases, to be the same as in causes where judgment is obtained in court: that where a special verdict shall be found, or case agreed, time shall be allowed, upon the motion of either party, to the next succeeding court to argue it: And if any causes shall at the end of the court remain uncalled, they shall be continued of course, by the clerk on the docket, to the next succeeding court, without fee or reward: And no plea in abatement, or of *non est factum*, shall be received in any cause depending in either of the said courts, unless the party offering the same shall, by affidavit, prove the truth thereof: that where a plea in abatement shall be pleaded in any action, in either of the said courts depending, and upon argument the same shall be adjudged insufficient, the plaintiff or plaintiffs, in such actions, shall recover against the defendant or defendants full costs, to the time of over-ruling such plea, including the costs of that court, a lawyer's fee only excepted; and that the plaintiff in replevin, or the defendant in

any other action, may plead as many several matters as he shall think necessary for his defence, so as they be not admitted to plead and demur to the whole. And for settling the method of, and expediting proceedings of the said courts in Chancery.

XIV. *Be it further enacted, by the authority aforesaid,* That in all such suits the following rules and methods shall be observed and put in practice, to wit, That the complainant shall file his bill the day after the court, to which the Subpœna is returnable, or upon the first appearance of the defendant, that upon the complainant's dismissing his bill, or the defendant's dismissing the same, for want of prosecution, the defendant shall recover his costs: the complainant may amend his bill before the defendant appears, or in a small matter afterwards, without paying costs; but if he amend after appearance, and in a material point, whereby the defendant shall be put to any extraordinary costs, such costs shall be paid before the complainant shall be at liberty to amend his bill. The defendant shall put in his answer, to be filed with the clerk in his office, at, or upon the next rule day after his appearance and bill filed, at the expiration of which time, if no answer shall be put in, the clerk upon request shall issue an attachment returnable to the next court; and if no answer shall be put in, upon return of such attachment executed, the complainant's bill shall be taken *pro confesso*, and the matter thereof decreed; and if the attachment shall be returned not executed, an attachment with proclamation shall be issued; and if upon return thereof no answer be put in, the complainant's bill shall be taken *pro confesso*, and the matter thereof decreed, as aforesaid. No process of contempt shall issue without oath made of the service of the subpœna, unless the same shall be returned served, by a sworn officer: every defendant shall be at liberty to swear to his answer before a justice of the peace. When any cross bill shall be preferred, the defendant or defendants in the first bill shall answer thereto, before the defendant or defendants in the second bill shall be compellable to put in his or their answer to such cross bill. The complainant shall reply or file exceptions by the next succeeding rule day after the defendant shall have put in his answer; and if the complainant, at the expiration of that time, shall neither reply nor file exceptions, the suit shall be dismissed, with costs. If any bill shall be dismissed for

And in
Chancery.

want of a replication, or other proceedings, the court, if they see cause, may order the same to be retained upon motion and payment of costs. If the complainant's attorney doth except against the answer of any defendant or defendants, as insufficient, he may file his exceptions, and enter a rule to make a better answer by the next succeeding rule day; and if on or before the next succeeding rule day the defendant shall put in a sufficient answer, the same shall be received without costs; but if the defendant or defendants insist on the sufficiency of the answer, or neglect or refuse to put in a sufficient answer, or shall put in another insufficient answer, the complainant may set down his exceptions to be argued the next succeeding court: And after the expiration of such rule, or any second insufficient answer put in, no further or other answer shall be received but upon payment of costs: And if upon argument the complainant's exceptions shall be over ruled, or the defendant's answer adjudged insufficient, the complainant shall pay to the defendant or the defendant to the complainant, as the case shall be, such costs as shall be allowed by the court: If any defendant shall put in a second insufficient answer, which shall be so adjudged, such defendant shall be examined upon interrogatories, and committed 'til he shall perfectly answer those interrogatories, and pay costs: If the defendant after process of contempt put in an insufficient answer, which shall be so adjudged, the complainant shall not be obliged to take out a new subpoena, but may go on to the attachment with proclamation, as if no answer had been put in: that rules to plead, reply, rejoin, and for further proceedings, when necessary, shall be given, from month to month, as is herein before directed, for rules and proceedings at the common law. Where the complainant conceives sufficient matter to be confessed, by the defendant's answer, he may set down the cause for, and proceed to hearing, giving the defendant or his attorney ten days notice. No defendant shall be admitted to put in a rejoinder, unless it be filed on or before the next rule day after replication put in; but the complainant may proceed to the examination of witnesses. After an attachment, with proclamation returned, no plea or demurrer shall be received, unless by order of court, upon motion. If the complainant conceives any plea or demurrer to be nought, either for the matter or manner of it, he may

set it down to be argued; or if he thinks the plea good, but not true, he may take issue upon it, and proceed to proofs; and if such plea shall be adjudged false, the complainant shall have the same advantage as if a plea was found false by verdict, at common law. If a plea be pleaded, or demurrer put in, and over ruled, no other plea or demurrer shall thereafter be received; but the defendant shall answer to the allegations of the bill. The complainant at the next rule day after a plea or demurrer put in, may cause the same to be set down, to be argued; but if the complainant shall not proceed to have the same so set down, at the second rule day after plea or demurrer put in, the bill may be dismissed of course, with costs. Upon a plea or demurrer argued, and over ruled, costs shall be paid, as where an answer shall be judged insufficient, and the defendant shall file his answer at the next rule day; but if adjudged good the defendant shall have his costs. If any defendant shall obstinately insist on a demurrer, and refuseth to answer, where the court shall be of opinion, that sufficient matter is alleged in the bill to oblige him to answer, and for the court to proceed upon, the bill shall be taken, *pro confesso*, and the matter thereof decreed accordingly. Upon a bill filed, and before the defendant puts in an answer, upon oath made, that any of the complainant's witnesses are aged and infirm, or going out of this colony, whereby the complainant thinks he is in danger of losing the benefit of their testimony, the clerk may issue a *dedimus*, to take the examination of such witnesses *de bene esse*, the party taking out such commission giving the adverse party reasonable notice of the time and place of executing the same. Commissions to examine witnesses may be issued by the clerk of the court, at any time after replication filed; the party taking out such commission giving ten days notice to the adverse party, of the time and place of executing the same. When any cause shall be at issue, and the examination of witnesses returned, if the complainant shall not, on the next succeeding rule day thereafter, set down the cause, for hearing with the clerk, on the rule book, the defendant may have the cause set down at his request, and bring the same to hearing, giving the complainant, or his attorney, such notice as is herein before directed, for hearing upon bill, and answer.

BE—Vol.6.

Clerk shall have the same fees for rules as for services in court.

XV. And be it further enacted by the authority aforesaid, That the clerks of the said counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, shall be entitled to the same fees for services done at the rules, as by law they are now allowed, for the like services, in court.

Grand juries to be summoned.

XVI. And be it further enacted, by the authority aforesaid, That the courts of the said counties of Brunswick, and Fairfax, in the months of June and December; of Lunenburg, in the months of January and October; of Frederick, Albemarle, and Augusta, in the months of February and August; shall order their sheriffs to summon twenty-four of the most capable freeholders, to appear at the next court, to serve as a grand jury of inquest, for each of the said counties, respectively: And that an orphan's court be held, for the said counties of Lunenburg, in October annually.

Orphan's court in Lunenburg to be held in October, annually.

Former acts, contrary to this act, suspended.

XVII. And be it further enacted by the authority aforesaid, That all and every other act and acts, clause and clauses, as to so much thereof, only, as relates to holding courts in the said counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, monthly, and settling the proceedings therein, which are contrary to this act, shall, during the continuance of this act, be, and are hereby declared to be suspended: And that this act shall continue and be in force, from and after the said twentieth day of June, until the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty-one, and from thence to the end of the next session of Assembly.

Commencement & continuance of this act.

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- Private acts. CHAP. 60.** An act for enabling the justices of Prince-William, to levy tobacco on the inhabitants of the said county, to defray the charges of clearing a road therein, from the Pignut, to the Blue-Ridge.
- 61.** An act for obliging the justices of Isle of Wight, to build a bridge over Black-water-swamp, at Proctor's.

- CHAP. 62.** An act for establishing a town on the land of Richard Littlepage, gent. in the county of New-Kent. Private acts.
63. An act to empower the vestry of the parish of Martin's-Brandon, in the county of Prince-George, to sell the glebe land in the said parish, and to purchase a more convenient glebe in lieu thereof.
64. An act for dividing the parish of Raleigh, in the county of Amelia, and erecting the same into two distinct parishes.
65. An act for establishing the towns of Petersburg, and Blanford, in the county of Prince-George, and for preventing the building of wooden chimnies in the said towns.
66. An act for giving a certain sum of money to trustees, for clearing roads over the great mountains.
67. An act to empower Thomas Dansie to make a causeway thro' the marsh opposite to his wharf.
68. An act for allowing fairs to be kept in the town of Suffolk, and preventing hogs and goats going at large therein, and for altering the time of holding fairs in the town of Newcastle.
69. An act for continuing the act, to empower the justices of Elizabeth City county, to erect pounds, and for other purposes therein mentioned.
70. An act to enable the Pamunkey town Indians, to sell a certain tract of land, and for other purposes therein mentioned.
71. An act to enable the Nottoway Indians to sell certain lands, and for other purposes therein mentioned.
72. An act to dock the intail of six hundred acres of land, in the parish of Lunenburg, in the county of Richmond, whereof Bernard Gains died seized, in fee-tail, and to vest the same in William Jordan, gent. in fee-simple, and settle other lands, of greater value, to the same uses.
73. An act for dividing the county of Orange.

Private acts. CHAP. 74. An act for dividing the county of Gloucesterland.

75. An act for annexing certain lands to the town of Tappahanock, and vesting the same in the feoffees of the said town, and for other purposes therein mentioned.

76. An act to dock the intail of certain lands, whereof Carter Burwell is seized in tail-male, and for settling other lands, of greater value, to the same uses.

CHAP. LXXVII.

An Act to empower the trustees of Leeds-Town to make a causeway, through the marsh opposite thereto, and for appointing a public ferry.

I. WHEREAS the passage from Joseph Morton's lot, in Leeds-town, to the land of Sarah Brooke, in Essex county, is long and dangerous; and whereas the making of a road and causeway, through the marsh opposite to the said town of Leeds, will render the passage of travellers short and safe, and be very beneficial to the public, besides promoting the commerce of the said town; therefore

II. *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the trustees of the said town of Leeds, or any four or more of them, be empowered and authorised, and they are hereby empowered and authorised, to agree with any person or persons, to clear, dig up, extend, maintain, and improve a causeway, from the river opposite to the said town of Leeds, through the said marsh, to the high land of the said Sarah Brooke, in Essex county, near the ferry landing, and from time to time to widen, repair, and improve the same; and also, if necessary, to erect and build bridges over*

any gut or creek, in the said marsh. And upon completing the said causeway; *It is further enacted, by the authority aforesaid,* That a public ferry be established from the public landing of the said town to the said causeway, and that the said trustees, and their successors, or any four or more of them, have power, and they are hereby authorised, from time to time, to let the said ferry to any person or persons that will undertake, out of the profits thereof, to keep the said causeway in good and sufficient repair.

III. *And be it further enacted, by the authority aforesaid,* That the county court of Essex, upon application made to them by the undertaker of the said causeway, shall order and appoint three honest freeholders convenient thereto, to go upon and value one acre of high land, adjoining to the place where the said causeway shall begin; and the said trustees, upon paying such valuation to the proprietor thereof, may, from time to time, make use of the said acre of land, for raising and repairing the said causeway; and for no other use or purpose whatsoever.

IV. And whereas the said trustees, out of the sale of the said lots of the said town, have paid off the respective proprietors of the land, and have yet remaining in their hands the sum of eighty pounds current money, besides a considerable number of lots undisposed of; *Be it further enacted,* That as well the said sum of eighty pounds, as likewise what other money may be raised, by further sale of lots, during the time the said causeway shall be making, may be by the said trustees, or any four or more of them, appropriated to that use; and that the rates for passing the said ferry be, for a man, four pence; for a horse the same; for every coach, chariot, or waggon, and the driver thereof, the same as for the ferriage of six horses; and for every cart or four wheel chaise, and the driver thereof, the same as for the ferriage of four horses; and for every two wheel chaise, or chair, the same as for the ferriage of two horses; according to the rates herein before settled, and no more. And that the keeper thereof have such exemptions and advantages, and be under the like regulations and restrictions as is and are by law provided for, and in respect of the keepers of other public ferries.

V. *And be it further enacted, by the authority aforesaid,* That the proprietor or proprietors of the marsh

Private acts. and land, through which the causeway and road leads, if they think necessary, shall and may erect one or more gates thereon.

CHAP. 78. An act for establishing a town in Augusta county, and allowing fairs to be kept therein.

79. An act for dividing the county of Isle of Wight into two distinct counties, and for other purposes therein mentioned.

80. An act for obliging the county of Goochland, and parishes of St. James Northam and Southam, to repay the county of Albemarle, and parish of St. Anne, a sum of money and tobacco therein mentioned.

81. An act for erecting a town in the county of Prince William.

82. An act to prevent the building of wooden chimnies, in the town of Walkerton; and also, to prevent the inhabitants thereof from raising and keeping hogs.

83. An act for establishing a town near Warwick, in the county of Henrico.

84. An act for erecting a town at Hunting-Creek warehouse, in the county of Fairfax.

85. An act for dividing the county of Henrico into two distinct counties.

86. An act to empower the vestry of the parish of Newport, in the Isle of Wight, to sell the glebe lands in the said parish, and to purchase a more convenient glebe, in lieu thereof.

87. An act for dividing the parish Truro, and dissolving the vestry of the parish of Suffolk; and other purposes therein mentioned.

88. An act for paying the Burgesses wages in money, for the present session of Assembly.

89. An act for dissolving the vestry of the parish of Cumberland, in the county of Lunenburg, and electing a new vestry in the said parish.

Signed by Sir WILLIAM GOOCH, Bart. Governor.
JOHN ROBINSON, Jun. Speaker.

Had its effect.

The following Laws, made in the year 1748, were repealed, by proclamation, in April 1752.

An act for allowing fairs to be kept in the town of Suffolk; and preventing hogs and goats going at large therein, and for altering the times of holding fairs in the town of Newcastle.

Also an act, intituled an act for establishing a town in Augusta county; and allowing fairs to be kept therein.

Also an act, intituled an act declaring slaves to be personal estate; and for other purposes therein mentioned.

Also an act, intituled an act for the distribution of intestates estates.

Also an act, intituled an act for establishing the general court; and for regulating and settling the proceedings therein.

Also an act, intituled an act for limitation of actions; and avoiding suits.

Also an act, intituled an act concerning servants, and slaves.

Also an act, intituled an act to prevent tending seconds.

Also an act, intituled an act for the better support of the college of William and Mary.

And an act, intituled an act to prevent the building of wooden chimnies in the town of Walkerton; and also, to prevent the inhabitants thereof from raising and keeping hogs.

ANNO REGNI

GEORGII II,

Regis, Angliæ, Scotiæ, Franciæ, et
Hiberniæ, vicessimo quinto.

At a General Assembly, begun and held at the College, in Williamsburg, on Thursday the twenty-seventh day of February, in the twenty-fifth year of the reign of our sovereign lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1752.

Robert Dinwiddie, esq.
Governor.

CHAP. I.

An Act for reviving the duty upon slaves to be paid by the buyer, for the term therein mentioned.

I. WHEREAS by an act of Assembly, made in the fifth and sixth years of the reign of his present majesty, intituled, An act for laying a duty upon slaves, to be paid by the buyers; it was among other things enacted, That from and after the passing thereof, for and during the term of four years, there should be levied, and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony and dominion, for sale, either by land or water, from any port or place whatsoever, by the buyer or purchaser, after the rate of five pounds per

Preamble.

cent. on the amount of each respective purchase; with divers provisions, and directions, in the said act contained, for managing, collecting, paying, and applying the said duty, which was continued with alterations and amendments, by several subsequent acts, all which expired the last day of July, one thousand seven hundred and fifty one: And whereas, the public debts contracted for his majesty's service, during the late war with Faance, and also for rebuilding the Capitol, are yet unpaid, and cannot be discharged without the aid of the duty laid by the aforesaid act, which hath, by experience, been found easy to the people here, and no ways burthensome to the traders in slaves.

Duty of five per cent. revived, on slaves imported.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing hereof, for and during the space of four years, the said duty of five pounds per cent. on the amount of each respective purchase; of any slave, or slaves, imported or brought into this colony and dominion, for sale, either by land or water, from any port or place whatsoever, shall be revived, become payable, and paid, in such manner and with such allowances as herein after directed.

Importer, shall deliver to the treasurer an account of sale, with the names of the buyers, and prices; whether for currency or sterling.

III. And for the better levying, collecting, recovering, and securing, the duty hereby revived, and which shall become due and payable within the time aforesaid; Be it further enacted, by the authority aforesaid, That every importer, or seller, of any slave, or slaves, imported into this colony, either by land or water, for sale, shall within thirty days after finishing the sale of such slave or slaves, deliver, or cause to be delivered, to the treasurer of Virginia, for the time being, upon oath, a true manifest, or account, of all the slaves by him sold, the name, and place of abode, of every buyer; the respective prices for which the same were sold, and whether for sterling, or current money; and if sold for tobacco, or any other commodity, the seller shall set a value, in current money, upon the slave, or slaves, so sold, and the buyer shall be chargeable with, and pay the said duty, according to such valuation.

Duty to be paid by the buyer.

If sterling, the duty to be paid at 25 per cent.

IV. And where the contract shall be for sterling, the buyer shall pay, for the difference of money, after the rate of twenty five per cent. upon the sterling;

And the importer, or seller, shall, in the same manifest, render an account of all the slaves imported in the same ship, or vessel, and sold, belonging to the master, or any officer on board, commonly called privileged slaves; and if any buyer shall not be an inhabitant of this colony, such buyer shall pay down the duty to the seller, who is hereby impowered and required to demand, receive, and account for the same, to the treasurer aforesaid, deducting six per cent. for his trouble: And every importer, or seller of slaves, as aforesaid, neglecting, or refusing, to deliver such manifest, within the time by this act required, or failing to pay the duties by him received, or concealing any part thereof, shall forfeit and pay one thousand pounds current money, recoverable, with costs, by the treasurer of Virginia, for the time being, by action of debt, in any court of record of this dominion, and by him to be applied to the same uses, intents, and purposes, as the said duty is directed to be applied.

Buyer not an inhabitant to pay the duty to the seller.

Penalty on importer for neglecting to account with the treasurer.

V. *And be it further enacted by the authority aforesaid,* That the treasurer, as soon as conveniently may be, after the receipt of such manifest, or account of sale, shall transmit to the sheriff of every county, wherein the buyers respectively reside, lists of the names of such buyers, and the sum due from each of them, for the duty aforesaid, and every sheriff is hereby required to receive such list or lists, to him directed, and to demand, collect, and receive, of every person therein named, residing within his county, the sum or sums therein specified to be due, from each person respectively: And in case of non-payment, to levy the same by distress, in like manner, as he is by law directed, to distrain for levies, and other public debts; and every such sheriff shall, on or before the twenty-fifth day of April, in every year, account with, and pay to the said treasurer, the several sums by him received upon such lists, deducting only six per cent. for his trouble, in collecting and paying the same; and if any sheriff shall neglect, or refuse, to account and pay as aforesaid, for the whole amount of the lists to him transmitted, after the deduction aforesaid is made, and an allowance for persons not dwelling, nor having any effects, in his county, it shall be lawful, for the said treasurer, upon motion made in the general court, or in the court of the county

Treasurer to deliver the name of the buyers, and the several sums due, to the sheriffs; who are to collect;

and account with the treasurer before the 25th of April annually.

Penalty;

of such sheriff, to demand judgment against him, for all the monies due by the lists transmitted to him, to collect, and such court is hereby authorised, and required, to give judgment accordingly; provided that the sheriff have ten days previous notice of such motion.

Proviso.

VI. *Provided nevertheless*, That if any person, chargeable with the duty aforesaid, shall pay the same in money of his or her own importation into this colony, according to the directions of an act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An act for reducing the laws made for laying a duty on liquors, into one act of Assembly, such person shall have an abatement or allowance, of fifteen per cent. out of the duty so paid, and the sheriff is hereby required to allow the same accordingly, and to indorse the sum upon which such allowance shall be made, upon the certificate of importation of the money.

No duty to be paid, if slaves die within forty days after purchase;

VII. *Provided also*, That if any slave, or slaves, shall die within forty days after purchase, the buyer may make oath thereof before any justice of the peace, and obtain his certificate; which being produced, and delivered to the sheriff, he is hereby authorised and required, to allow and discharge such buyer, of so much of the said duty as he shall stand charged with, for such slave, or slaves. But all such certificates of slaves dying within forty days, shall be by the sheriff returned to the treasurer, at the time of passing the sheriff's accounts; and that where any person inhabiting within this colony, shall really and bona fide purchase any slave, or slaves, for his own proper use, and not in trust or for the use of any other person, not being an inhabitant of this dominion, for which the duty shall have been paid, or due, according to this act, and such person shall, within twelve months after such purchase, be desirous to export the same, such exporter shall give a particular account of the number of slaves he intends to export, to the naval officer of the district from whence they shall be exported, and shall subscribe such account, and declare upon oath, "That he is the true and lawful owner of
"the slaves he desires to export, without any trust
"for any other person, or persons, not residing with-
"in this colony, and that the said slaves shall be di-
"rectly carried out of this dominion, and not into the

or are exported.

“ province of North Carolina, upon his own account
 “ and risk, and shall not be sold or brought back again
 “ into this colony, without payment of the duty re-
 “ quired by this act:” Which oath every naval officer Duty of naval officer.
 of this dominion respectively, is hereby empowered
 and required to administer, and thereupon shall give
 a certificate thereof to the exporter, who upon pro-
 ducing and delivering the same to the sheriff, in case
 the duty due upon importation shall not have been be-
 fore paid, or satisfied, shall be allowed to draw back,
 of the said duty, so much as he shall stand charged
 with for the slave, or slaves, so exported; and if the
 said duty has been paid to, and accounted for, by the
 sheriff, then, upon producing the naval officer’s certi-
 ficate to the treasurer, the same shall be by him re-
 paid.

VIII. *And be it further enacted by the authority afore-* Monies; how
said, That the monies arising by virtue of this act, to be appro-
 shall be appropriated and applied for and towards riated.
 discharging the public debts, contracted during the
 late war with France, and to such other public use,
 and uses, as the General Assembly, from time to time,
 shall think fit to direct.

IX. But whereas it may often times be a great ease The seller
 to the buyers of slaves, if they are allowed to pay the may receive
 duty to the seller; *Be it enacted by the authority afore-* the duty, be-
said, That if the buyer shall be willing to pay the fore render-
 duty of any slave, or slaves, by him purchased, to the ing an ac-
 seller, before the time herein before limited for the said count.
 seller to return to the treasurer a manifest, or account
 of the slaves by him sold, it shall and may be lawful,
 for the said seller, and he is hereby empowered and
 required to receive the same; any thing herein before
 contained to the contrary, or seeming to the contrary,
 notwithstanding: And the seller shall account for, and
 pay to the said treasurer, the duty by him so received, And account
 in the same manner, with the like allowance, and un- with the
 der the like penalty for non-payment, as herein before treasurer.
 is directed, allowed, and inflicted.

CHAP. II.

An Act for continuing a clause of an act of Assembly therein mentioned.

I. WHEREAS by a clause in an act of Assembly, made in the twenty second year of the reign of his present majesty, intituled, An act for continuing the act, intituled, An act for reducing the laws made for laying a duty upon liquors, into one act of Assembly, an additional duty of one penny per gallon, was laid upon rum, brandy, distill'd spirits, and wine imported, which will expire on the first day of January, one thousand seven hundred and fifty three; and whereas it is necessary, for discharging the public debts, and other exigencies of this government, that the said duty should be continued:

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said clause in the said recited act, and every article thereof, shall continue and be in force, from and after the first day of January, one thousand seven hundred and fifty three, until the tenth day of June one thousand seven hundred and fifty five, and no longer.*

CHAP. III.

An act for continuing and amending the act, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.

I. WHEREAS the act of Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs,

both been found in a great measure to answer the good end and design thereof; yet for the rendering the same more beneficial and convenient:

II. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the twentieth day of October next, the public warehouses for the inspection of tobacco at Wainwright's, in the county of Isle of Wight; at Naylor-Hole, on Rappahanock creek; at Turkey island, in the county of Henrico; and at Hampton in the county of Elizabeth City, be, and the same are hereby declared to be discontinued, and shall no longer be accounted public warehouses for the inspection of tobacco; and that from and after the said twentieth day of October next, public warehouses for the inspection of tobacco, be appointed at the following places, to wit, in the county of Isle of Wight, on the lots of Arthur Smith, in the town of Smithfield, to be under the same inspection with Smith's warehouses on the east side of Pagan creek, in the said county: In the county of Elizabeth City, on the lands of Wilson Curle, gentleman, adjoining to the town of Hampton; in the county of Richmond, at Cat-Point, on Rappahanock creek, to be under the same inspection with the warehouses on the land of Sir Marmaduke Berckwith, bart. in the same county: In Henrico county, at Shockoe's on James river, on the land of William Byrd, esq. near to the place where the warehouses now are, to be call'd Byrd's warehouses; in the same county, on the upper side of Four-mile creek, on the land of John Pleasants the elder, and on the lower side thereof, on the land of Charles Woodson, to be under one inspection; and in the county of King-George, at Falmouth, on the upper lots of John Dixon, gentleman.

What public warehouses are discontinued.

New warehouses appointed.

III. *And be it further enacted, by the authority aforesaid,* That there shall be paid and allowed for the rent of the warehouses at Hampton, seven pounds per annum, and the several other warehouses above-mentioned, eight pence per hogshead, for every hogshead of tobacco, that shall be inspected and delivered out of the same, respectively.

The rents of the several warehouses.

II. And for the more equal settlement of the salaries of the several inspectors, at the warehouses hereafter mentioned; *Be it further enacted, by the authority*

The salaries of the several inspectors.

ty aforesaid, That the same be established for each inspector, according to the following rates, *viz.* at Smithfield, and Smith's, under one inspection, thirty five pounds per annum; at Curl's, near Hampton, twenty five pounds per annum; at Falmouth, forty pounds per annum; at Dixon's, forty pounds per annum, at Byrd's, fifty pounds per annum; at Walkerton, and Waller's, under one inspection, thirty five pounds per annum; at Osborne's, forty pounds per annum; at Occoquan, and Peyton's, under one inspection, thirty five pounds per annum; at Pohich, thirty pounds per annum; at Page's fifty pounds per annum; at Crutchfield's, fifty pounds per annum; at Acquia, thirty five pounds per annum; at Cabin-Point, fifty pounds per annum; at Bolling's point, fifty pounds per annum; at Cat-Point, and Beckwith's, under the same inspection, thirty five pounds per annum; at Pleasant's, and Woodson's, under one inspection, thirty pounds per annum; at Bermuda-Hundred, twenty pounds per annum.

When the inspectors are to attend their duty.

V. *And be it further enacted by the authority aforesaid*, That all inspectors of tobacco, do constantly attend their duty at the warehouses under their charge, from the twentieth day of October, to the last day of August, yearly, (except Sundays, and holidays observed at Christmas, Easter, and Whitsuntide, or when hindered by sickness) and if any inspector, thro' sickness or other inability, shall be unable to discharge the duties of his office, it shall and may be lawful, for the governor, or commander in chief, by and with the advice and consent of the council, to appoint one of the persons nominated in the recommendation of the county court, for such inspection, to act in the stead of such sick or disabled inspector; which inspector so appointed, shall execute the office of inspector during the time of the sickness, or other inability of the former inspector, and shall be entitled to take and receive of the salary due at such inspection, in proportion to the time he shall officiate.

Proviso.

VI. *Provided always*, That nothing herein contained, shall be construed to hinder any inspector of an adjacent warehouse, to view and inspect tobacco, as in the said act is directed, till a person shall be appointed as aforesaid.

All inspectors to ac-

VII. *And be it further enacted, by the authority aforesaid*, That all inspectors of tobacco, shall hereafter

account with the treasurer, in the manner as prescribed and set down by the before recited act, on or before the twentieth day of October annually.

count with the treasurer.

VIII. *And be it further enacted, by the authority aforesaid,* That from after the commencement of this act, the several inspectors do, in their receipts for tobacco, express whether the same is tied in bundles or not; and where any hogshead hath part leaf and part stemmed, they shall likewise signify the same, at the bottom of such receipt, and that they shall not mix stemm'd and leaf tobacco, in any hogshead, which they shall prize, and pay away in discharge of transfer notes by them given out.

Their receipts are to express whether the Tobacco is tied in bundles or not, and whether stemmed or leaf.

IX. *And be it further enacted, by the authority aforesaid,* That no crop or transfer notes, of the county of Prince-William, shall pass in any payment of levies, quit-rents, or officers fees, becoming due in the county of Culpeper: And that no crop notes, or receipts, of an older date than eighteen months, shall be a lawful tender, in discharge of any tobacco-debt whatsoever, and if any tobacco hath remained, or shall hereafter remain undemanded, in a public warehouse, three years after the same is inspected; the inspectors at such warehouse shall advertise in the Virginia Gazette, a list of the marks, numbers, and weights of such tobacco; and if no owner appears to claim the same, within six months, they shall, at the next court to be held for the county in which such warehouse shall be, after the expiration thereof, deliver to the said court, the like list; which court is hereby empowered and required, to order the same to be sold publickly, at the court-house door, on a court day, to the highest bidder, and the money arising from the sale thereof, shall be paid by the inspectors, to the treasurer of this colony for the time being, who shall account for the same, from time to time, to the General Assembly. And if any person, having a right in any tobacco so sold, shall prove his property therein, the said treasurer, shall repay, to such person, the money for which such tobacco was sold.

No crop notes of an older date than 18 months, a lawful tender for any tobacco debt.

How inspectors are to act if any tobacco remains undemanded 3 years after inspection.

X. *And be it further enacted, by the authority aforesaid,* That no inspector shall hereafter take in any note or receipt for crop-tobacco, and afterwards give transfer notes in exchange for the same, unless the hogshead specified in such note or receipt, shall contain at least nine hundred and fifty pounds, of nett

tobacco, and not mixed leaf and stemm'd; any thing in the before recited act, to the contrary thereof, in any-wise notwithstanding.

In what counties the notes of the several warehouses shall pass in payment.

XI. *And be it further enacted, by the authority afore-said,* That the notes of the several warehouses hereafter mentioned, shall pass in payment of all levies, quitrents, and officer's fees, payable in the counties following; that is to say, the notes of Fredericksburg, Royston's, Falmouth, and Dixon's, shall pass in the county of Culpeper; the notes of Warwick, Osborne's, Bermuda-Hundred, John Bolling's, Cabbin-Point, and Bolling's Point, shall pass in the counties of Prince George, and Dinwiddie; the notes of Cabbin-Point, Maycox, and Jordan's, shall pass in the county of Southampton; the notes of Smithfield, shall pass in the county of Surry; the notes of Fredericksburg and Royston's, shall pass in the county of Albemarle, and the notes of Shockoe's, and Byrd's, shall pass in the county of Cumberland.

The abatement:

XII. *And be it further enacted, by the authority afore-said,* That out of every hundred pounds of tobacco, which shall be paid in discharge of quit-rents, secretary's, clerks, sheriffs, surveyors, or other officers fees, in the counties hereafter mentioned, and so proportionably for a greater or lesser quantity, there shall be the following abatements, or allowances to the payer, that is to say, for tobacco due in the counties of Culpeper, and Cumberland, the person paying shall and may retain in his hands, thirty pounds of tobacco, for every hundred so due from him; for tobacco due in the counties of Isle of Wight, and Prince-George, ten pounds of tobacco; for tobacco due in the counties of Southampton and Dinwiddie, twenty pounds of tobacco; and for tobacco due in the county of Chesterfield, fourteen pounds of tobacco.

Inspectors may be collectors of his majesty's quit-rents.

XIII. *And be it further enacted, by the authority afore-said,* That so much of the said recited act, as prohibits inspectors to be collectors of his majesty's quit-rents, or of any public, county, or parish levies, or any officers fees, or to buy and receive for themselves, or any other person, by way of barter, loan, or exchange, any tobacco whatsoever, within two years after they are out of office, under a penalty therein mentioned, be, and the same is hereby repealed.

Seafaring men to give special bail.

XIV. *And be it further enacted, by the authority afore-said,* That when any action shall be commenced

and prosecuted against any seafaring person, founded on this or the before recited act, such person shall not be admitted to appear to such action, until he or they shall have given special bail; any law or custom to the contrary, notwithstanding.

XV. *And be it further enacted, by the authority afore-* The com-
said, That this act shall commence and be in force, mencement
from and immediately after the passing thereof, and and continu-
together with the said recited act, For amending the ance of this
staple of tobacco, and preventing frauds in his majes- act.
ty's customs, for so much thereof as is not repealed or
altered by this act, shall continue in force, until the
twentieth day of October, in the year of our lord, one
thousand seven hundred and sixty, and from thence to
the end of the next session of Assembly.

CHAP. IV.

An Act for erecting a Light-House at Cape-Henry.

I. WHEREAS the erecting and maintaining a light-house at Cape-Henry, will greatly conduce to the safe- Preamble.
 ty and preservation of ships, and other vessels, com-
 ing into, and going out of the bay of Chesapeake; and
 the expence of such building, and keepi.g a light
 therein, may be defrayed by a small and inconsidera-
 ble duty on the tonnage of such ships, and vessels, to
 be paid by their owners or masters, in consideration
 of the immediate benefits arising to them. To the end
 therefore, that a work of such public use, may be com-
 pleted with all convenient speed;

II. BE it enacted, by the Lieutenant-Governor, Coun-
 cil and Burgesses of this present General Assembly, and
 it is hereby enacted, by the authority of the same, That Directors
 the honorable John Blair, and Thomas Nelson, esqrs. appointed.
 Lunsford Lomax, Robert Tucker, Samuel Boush the
 younger, John Hutchings, Edward Hack Mosely,
 Anthony Walke the younger, John Norton, William
 Westwood, John Tabb, Littleton Eyre, Lemuel Rid-
 dick, Samuel Boush, Jacob Elligood, Jacob Walker,

and John Hunter, gentlemen; shall be, and are hereby appointed directors and managers, for the erecting and finishing, or causing to be erected and finished, at such convenient place, on the head-land of Cape-Henry, as to them in their discretion shall appear most proper for that purpose, a good and substantial light-house of such height and dimensions as they shall think best: And the said directors and managers, or any nine of them, shall have power and authority, by virtue of this act, to contract and agree with any person or persons, for building and finishing such light-house, in the best and most substantial manner, upon such terms as to them shall seem reasonable, and also for placing, and constantly keeping a light therein; which agreement, or agreements, being by them certified to the governor, or commander in chief of this dominion, and a warrant thereupon obtained from him, to the treasurer of Virginia for the time being, the said treasurer is hereby authorised and required, out of the public monies in his hands, to pay the sum or sums so certified, to be due unto the person or persons, to whom the same shall be ordered by the said directors.

III. And for reimbursing the monies so advanced, and for the maintenance and support of the said light-house, in all time to come: *Be it further enacted, by the authority aforesaid,* That from and after the kindling, or placing, a light, useful for shipping, in the said light-house, there shall be paid by the masters or owners of all ships, and other vessels, coming into, or going out of, the said bay of Chesapeake, once every voyage, at the time of their clearing out, the duty of two pence per ton, of the burthen of each ship or vessel, to be collected and received, by the respective collectors, or officers, who shall be appointed to receive the same, which duty shall be to our sovereign lord the king, his heirs and successors for ever, for the uses, and purposes, hereafter mentioned, and by them to be accounted for, and paid to the treasurer of Virginia, in the same manner, and with the like salary, for collecting, as they are by law directed to account for the duties upon liquors, and by the said treasurer shall be accounted for to the General Assembly, to be by them applied, and ordered, for the reimbursing the monies so advanced, and for the future support and

Duty to be
paid by mas-
ters of ships.

maintenance of the said light-house, and for no other use, intent, or purpose, whatsoever.

IV. *Provided always*, That the execution of this ^{Suspending} act shall be suspended until his majesty's approbation ^{clause.} thereof be first had and obtained.

CHAP. V.

An Act declaring the process and proceedings of the General Court, between the commencement and repealing of the act, intituled, An Act for establishing the General Court, and for regulating and settling the proceedings therein, to be good and valid.

I. WHEREAS the act of the General Assembly, made in the twenty second year of the reign of his present majesty, intituled, An act for establishing the General Court, and for regulating and settling the proceedings therein; hath been lately repealed by his majesty, whereby the act made in the fourth year of the reign of her late majesty queen Anne, for establishing the General Court, and for regulating and settling the proceedings therein; and several other acts, relating to the said court, are revived, and it is highly necessary, and expedient, to confirm all the process, and proceedings, which have issued or been had, under the said repealed act, between the commencement thereof and the proclamation for repealing the same.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That all writs, and other process, at common law, or in chancery, and all suits, appeals, and proceedings whatsoever, issued, granted, or prosecuted at any time between the commencement of the said first mentioned act, and the date of the proclamation

for repealing the same, now returned, or returnable, determined, or depending in the said General Court, be confirmed, and the same are hereby declared to be in full force, and as good and valid, to all intents and purposes, as if the said first mentioned act had not been repealed; any law, usage, or custom, to the contrary, notwithstanding.

CHAP. VI.

An Act for enlarging the Church in the City of Williamsburg, and purchasing an Organ to be placed therein.

Preamble.

I. WHEREAS the church, in the city of Williamsburg, is not sufficiently large to contain all such persons as resort thither, in the times of the sitting and holding of the General Assemblies, and General Courts, of this colony:

Directors appointed.

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Honourable John Blair, esq. the Honourable Philip Ludwell, esq. John Robinson, and Peyton Randolph, esquires; Armistead Burwell, James Power, and Benjamin Waller, gentlemen; or any four of them, be, and they are hereby impowered, to covenant, agree with, hire and employ, such and so many undertakers, workmen, and labourers, and to provide, furnish, and buy, such materials, as they, or any four of them, shall think convenient and proper to be employed and made use of, in and about enlarging the said church; and to give such necessary orders, and directions therein, from time to time, as they shall see cause, until it shall be finished.

How they are to apply for money when wanted.

III. And be it further enacted, by the authority aforesaid, That the said directors, as often as they shall have occasion for money, for the uses aforesaid, shall, from time to time, apply themselves to the governor, or commander in chief for the time being, to issue out his warrant to the treasurer of this colony, to pay so

much money as shall be wanting for the purposes aforesaid, not exceeding the sum of three hundred pounds, who is hereby required to pay the same accordingly; which said sum or sums, the said directors shall account for, at the next meeting of the Assembly, after the work aforesaid shall be finished.

IV. *And be it further enacted, by the authority aforesaid,* That the said directors be, and they are hereby empowered to send to Great Britain for, and purchase a musical organ, for the use of, and to be placed and kept in, the said church; and to apply to the governor, or commander in chief, to issue out his warrant to the treasurer of this colony, to pay so much money as shall be sufficient to defray the charges of purchasing and importing the said organ, not exceeding the sum of two hundred pounds, who is hereby required to pay the same accordingly; which said last mentioned money, the said directors, shall also account for, at the next meeting of the Assembly, after the said organ shall be purchased and imported.

Directors
empowered
to send for
an organ.

CHAP. VII.

An Act for declaring the process, and proceedings, of the county courts of Lunenburg, Brunswick, Fairfax, Frederick, Albemarle, and Augusta, between the commencement, and expiration, or suspension, of the act, intituled, An Act for altering the method of holding courts in the counties of Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, to be good and valid.

I. WHEREAS the act of the General Assembly, made in the twenty-second year of the reign of his present majesty, intituled, An act for altering the method of holding courts in the counties of Bruns-

wick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, will expire at the end of this session of Assembly: And whereas it is doubted whether, since his majesty's assent, to the act made in the twenty-second year of his reign, intituled, An act for establishing county courts, and for regulating and settling the proceedings therein, the same can be revived and continued; and it is highly necessary and expedient, to confirm all the process and proceedings, which have issued out, or been had, under the same act:

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That all writs and other process, at common law, or in chancery, and all suits and proceedings whatsoever, issued, granted, or prosecuted, at any time between the commencement of the said first mentioned act, and the passing of this act, now returned, or returnable, determined, or depending, in any of the said courts, be confirmed, and the same are hereby declared to be in full force, and as good and valid, to all intents and purposes, as if the said first mentioned act had not been suspended, or expired; any law, usage, or custom, to the contrary, notwithstanding.

III. *And be it further enacted, by the authority aforesaid,* That all causes now depending and undetermined, in any of the said courts, shall be transposed, and carried out of the rule dockets, for each of the said courts, into the court dockets thereof, in the same order as they now stand in the rule dockets; in the said several courts respectively, and shall be proceeded in according to the method used in monthly courts.

CHAP. VIII.

An Act for regulating the size and dimensions of Staves, Heading, and Shingles, intended for exportation to Madeira, and the West Indies.

I. WHEREAS the exportation of lumber is a considerable and beneficial branch of the trade of this colony, but for want of a legal regulation of the several sizes and dimensions, the value has been greatly lessened abroad, for remedy whereof: Preamble.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, The dimensions of staves, heading, and shingles.
and it is hereby enacted by the authority of the same, That from and after the first day of January next, all staves, heading, and shingles, exported out of this colony to Madeira, or the West Indies, shall be of the full dimensions herein after expressed; that is to say: All pipe staves, exported to Madeira, shall be four feet, eight inches long, and four inches broad, and one inch thick, on the heart edge; all hogshead staves, shall be three feet, six inches long, four inches broad, and three quarters of an inch thick; all hogshead heading, two feet, eight inches long, seven inches broad, and one inch thick, upon the heart edge; all barrel staves, shall be two feet eight inches long, four inches broad, and three quarters of an inch thick; all barrel heading eighteen inches long, six inches broad, and three quarters of an inch thick on the heart edge, and all the aforesaid staves and headings clear of sap; all shingles shall be eighteen inches and a half long, five inches broad, and five eighths of an inch thick; which said several sorts shall be of the dimensions aforesaid, at the least, and well got, of good, sound, merchantable timber.

III. And for the better putting this act in execution, Be it further enacted, by the authority aforesaid, The county courts to appoint view-ers.
That in every county of this dominion, lying upon a navigable river, or creek, the court thereof, shall, and is required, in the months of August, or September, annually, to nominate and appoint, one or more, fit and able person, or persons, residing within their

county, to view all staves, headings, and shingles, intended for exportation; and every person so appointed, shall, at the next court held after his appointment, in open court, take the following oath, to wit,

Their oath.

I A. B. do swear, that I will, when thereto required, carefully and diligently view all staves, headings, and shingles, intended to be exported, and which shall be to me produced, and that I will not knowingly pass or certify any such, except I shall find the same to be of the dimensions by law required and directed.—So help me God.

Their duty.

The taking of which oath shall be recorded, and thereupon every such viewer shall be, and is hereby authorised and required, upon notice to him given, to attend at any convenient landing, to which the commodities aforesaid, or any of them, shall be brought for shipping off, and to view the same, and shall give one or more certificate or certificates, to the party or parties requiring the view, of the just number, and the sorts of each by him viewed and passed, and of what timber; which certificate or certificates shall be delivered to the master or mate of the vessel, wherein the goods, so viewed and certified, shall be shipped; and every viewer, for the services by him so done and performed, shall be paid by the party requiring his attendance, after the rates following, that is to say, for every gross thousand of pipe staves, six score to the hundred, two shillings; for every such thousand of hogshead staves, or headings, one shilling and three pence; for every such thousand of barrel staves, or headings, one shilling; for every thousand shingles, four pence, and proportionably for a greater or less quantity; and if any viewer, so as aforesaid appointed and sworn, shall refuse or neglect to attend and execute his office when required, not being hindered by sickness, or other just cause, or shall demand and take

Their fees.

Penalty on them for neglect; or for passing staves, &c. of less dimensions than this act requires.

any other, or greater fee or fees, than herein before allowed him, he shall forfeit and pay fifteen shillings current money, for every such offence; and if he shall wilfully or knowingly, pass and certify any staves, headings, or shingles, of less dimensions than by this act required; he shall forfeit and pay two shillings for every hundred thereof, and proportionably for a greater or less quantity; both which penalties, shall and may be recovered with costs by the informer, or party

grieved, to his or her own use, before a justice of the peace.

IV. *And be it further enacted, by the authority aforesaid,* That every master of a ship or vessel, clearing out for Madeira or the West-Indies, shall make oath, before the naval officer of the district by whom he shall be cleared, that he hath not taken or suffered to be taken on board his ship or vessel, any staves, headings, or shingles, without such certificate, as by law required; which oath the respective naval officers of this colony are hereby impowered and required to administer: And if any master of a vessel shall presume to take, or permit to be taken on board his vessel, any of the commodities herein before enumerated, without such certificate as by this act required, he shall forfeit and pay twenty pounds current money, one moiety to the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof; the other moiety to the informer, to be recovered with costs, by action of debt, or information, in any court of record of this dominion.

The masters of ships oath.

Penalty on them if they take on board any staves, &c. without the viewer's certificate.

V. *And be it further enacted, by the authority aforesaid,* That this act shall continue and be in force, for, and during the term of two years, from and after the commencement thereof, and from thence to the end of the next session of Assembly.

The continuance of this act.

CHAP. IX.

An Act for preventing the importation of Madeira Wines, in casks under the true guage.

I. WHEREAS a fraudulent practice hath been lately introduced, of importing wines to this colony, from the island of Madeira, in casks containing less than the true guage, for remedy whereof:

Preamble.

II. *BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,*

The quantity pipes, hhds. and

quarter-casks are to contain.

That all pipes, hogsheads, and quarter-casks of Madeira wine, which shall be imported to this colony after the first day of April, which shall be in the year of our lord, one thousand seven hundred and fifty three, shall contain the several quantities following, that is to say; every pipe, one hundred and twenty gallons; every hogshead, sixty gallons; and every quarter-cask, thirty gallons, at the least.

Penalty on those who sell any under the true gauge.

III. *And be it further enacted, by the authority aforesaid,* That if any person, or persons, after the time aforesaid, shall sell any Madeira wines, in any pipes, hogsheads, or quarter-casks, containing less than the quantities beforementioned, respectively, every person so offending, shall forfeit and pay to the person or persons buying the same, for every gallon under the guages aforesaid, the sum of twenty shillings; to be recovered with costs, by action of debt, in any court of record in this dominion, where such penalty shall exceed twenty five shillings current money, otherwise before a justice of peace.

CHAP. X.

An Act for making reparation for the tobacco lately damaged and lost, in the several public warehouses therein mentioned.

Preamble.

I. WHEREAS large quantities of tobacco have lately been damaged and lost at the public warehouses at Gray's creek, in Surry county; at Guilford, in Accomack county; at the College-landing, in James-City county; at Hampton, in Elizabeth-City county; at Norfolk, in Norfolk county; at the Great-Bridge, in the said county; at Eastermost river, in Gloucester county, and at Warwicksqueak bay, in Isle of Wight county, by a high wind and rain, and the overflowing of the tide; a particular account of which tobacco, (except at Warwicksqueak bay warehouse) with the names of most of the proprietors, is stated in a sche-

dule hereunto annexed: Wherefore, to the end the sufferers therein mentioned may receive full satisfaction and reparation for their several losses.

II. BE it enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony, out of the public money in his hands, shall pay to the sufferers respectively, according to the several quantities of tobacco by them lost; at the public warehouses at Gray's creek, and Guilford, aforesaid, at the rate of sixteen shillings and eight pence for crop, and fifteen shillings for transfer tobacco, per hundred, according to the several quantities by them lost; at the public warehouses at the College-landing, Hampton, and Norfolk warehouses, at the rate of sixteen shillings and eight pence, per hundred, according to the quantity of tobacco by them lost; at the public warehouses at the Great-Bridge, aforesaid, at the rate of sixteen shillings, per hundred, and according to the several quantities of tobacco by them lost; at the public warehouse at Eastermost river, aforesaid, at the rate of fifteen shillings per hundred: And that the treasurer, for all tobaccos damaged and lost at Gray's-creek, Guilford, and Eastermost river warehouses aforesaid, pay the several sums due to each proprietor, to the bearer of the inspector's notes, where notes were given; and where no notes were given, then to the person producing sufficient proof of his or her property, upon oath made, before some justice of the peace, of the county where he or she resides, and certified under the hand of such justice; and for all tobacco damaged at Hampton, Norfolk, the College-landing, and the Great-Bridge warehouses aforesaid, to the several proprietors mentioned in the schedule aforesaid, which shall be a sufficient discharge to him, as to all tobacco contained in the said schedule.

III. And whereas forty one hogsheads of tobacco, saved out of the tobacco damaged at Guilford warehouse, are now remaining in the inspectors hands, and the inspectors at Gray's-creek, Guilford, the College-landing, Hampton, and Warwicksquak-bay warehouses aforesaid, have been at great trouble and expences in picking and reprising the damaged tobacco aforesaid; and the said inspectors at Gray's creek warehouses, have accounted with the treasurer of this colo-

Allowance to the sufferers that have lost their tobacco in public warehouses.

ny, for the inspection of four hogsheads of tobacco, damaged and lost at the said warehouses, after the inspection thereof, and never paid to the said inspectors; and the said inspectors at Warricksqueak-bay warehouse aforesaid, have already paid one hundred and forty four, part of nine hundred and thirty pounds of tobacco, the quantity damaged in the said warehouse, to the respective proprietors thereof;

IV. *Be it further enacted, by the authority aforesaid,* That the forty one hogsheads of tobacco, saved as aforesaid, be by the treasurer sold, and that out of the public money in his hands, he pay to the inspectors at Gray's creek warehouses aforesaid, the sum of ten pounds, two shillings and six pence; to the inspectors at Guilford warehouse aforesaid, the sum of fifteen pounds, seven shillings and six pence; to the inspectors at the College-landing warehouse aforesaid, the sum of two pounds, ten shillings; to the inspectors at Hampton warehouse aforesaid, the sum of seventeen pounds; and to the inspectors at Warrisqueak-bay warehouse aforesaid, the sum of twenty shillings, for their trouble and expences; and that he also pay to the said inspectors at Gray's creek warehouses, twelve shillings, for the inspection of four hogsheads of tobacco, herein before mentioned; and to the said inspectors at Warrisqueak bay warehouse aforesaid, the sum of seven pounds fifteen shillings, for the nine hundred and thirty pounds of tobacco damaged in the said warehouse, out of which money the inspectors of the said warehouse, are hereby directed to satisfy and pay the several owners of tobacco, damaged in the said warehouse, (who have not already received the same of the said inspectors) the particular quantities of tobacco damaged and lost in the said warehouse, by such, owners, respectively: And that the money arising from the sale of all the tobacco saved out of the damaged tobacco and sold by the treasurer, be, when received, for the use of the public.

The Schedule to which this Act refers.

A List of Tobacco Damaged in Gray's Creek Warehouse.

When received.	Owners Names.	No.	Gro.	Nett.	Ta.
1746. Mar. 10.	John Judkins,	210	1132	1036	96
Sept. 29.	Charles Barham,	344	1127	1022	105
1748. Nov. 30.	John Ruffin,	723	1087	1000	87
December 22.	Joseph Patway,	791	1127	1011	116
January 26.	Catharine Williams,	814	1157	1045	102
February 11.	Beaufort Pleasant,	827	1100	986	114
March 14.	Nicholas Faulcon,	842	1200	1092	108
1749. Mar. 16.	Henry Tyler,	851	1221	1112	109
April 14.	Ditto.	878	1089	992	97
May 2.	George Cryer,	931	1127	1026	101
22.	James Wych,	957	1222	1120	102
June 8.	Mary Brown,	973	1075	980	95
	Ditto.	975	1126	1033	93
June 11.	James Nicholson,	988	1075	967	106
	Edward Francis,	996	1175	1079	96
	John Myrick,	1003	1152	1054	98
August 14.	James Nicholson,	1005	1117	1000	117
	John Collier,	1017	1138	1045	93
1747.	Ditto	1018	1118	1009	109
1749.	Andrew King,	W	1015	900	115
	William Clinch,	972	1255	1151	104
	Ditto.	973	1110	1010	100
	Charles Neilson,	D	1100	1011	89
		120	1109	1029	80
	James Le Roy.	121	1119	1028	91
		122	1086	977	109
		123	1085	996	89

***A List of Transfer Tobacco due in Gray's Creek
Warehourse.***

Date.	To whom due.	No.	Quantity.
1748. Dec. 15.	Faith King, - - -	3	103
1749. April 19.	George Mosely, - - -	23	42
	25. Anselm Bayley, - - -	30	72
May	11. Thomas Gray, - - -	42	171
	24. Thomas Warren, - - -	57	60
April	19. George Mosely, - - -	58	34
May	26. John Watkins, - - -	58	91
June	8. Mary Brown, - - -	70	259
	16. William Clinch, - - -	74	60
	24. Philip Ludwell, Esq. - - -	78	197
July	11. Arthur Smith, - - -	86	50
August	7. Henry Tyler, - - -	95	262
To be accounted for by the Inspectors. - - -			1394
By ballance, transfer tobacco, due from the warehouse. - - -			750
To be paid by the Treasurer at 15 per cent. - - -			644

1749. Debitor.	Gray's Creek Warehouses, to sundry persons,	Creditor.
October 25.	<i>lb. nett tob.</i>	<i>lb. nett tob.</i>
To Col. John Ruffin,	183	By Anselm Bayley, jr. 11
Capt. William Clinch,	99	John Holt, 500
	282	Charles Binns, 43
Ballance due to the		Robert Langley, 141
warehouse, - - -	750	Peter Warren, 93
	1032	Thomas Gray, 171
		Benjamin Carrol, 73
		1032

A List of Tobacco damaged at Guildford Warehouse.

Marks.	No.	Nett.	Ta.	Marks.	No.	Nett.	Ta.	Marks.	No.	Nett.	Ta.
E A	4	1180	97	E S	1	979	98	P I	4	950	121
G C	14	977	84	T D §	1	968	90	G H	1	814	102
D F S	3	975	85	D F S	1	970	94			609	
W S	1	952	123	I E	1	955	102	E S	4	964	121
T R §	1	1044	90	R A	1	1009	105				
E S	3	964	121	A E	14	955	110				
W C	1	1103	87	E A	1	1181	102				
P C	1	992	86	E S	2	954	98				
A E	12	985	89	D F S	2	952	96				
E A	6	1115	101	A E	9	980	95				
I K	2	1049	96	D F S	4	970	87				
W S	1	1041	92	E S	5	968	90				
T W	3	1094	91	P I	1	977	96				
A E	10	1015	99	P I	3		100				
D F S	—	1011	91	W B	1	980	105				
G C	15	972	76	G S	1	1065	97				
E A	5	1141	100	I D	2	895	93				
I D	5	985	80	I I	4	950	100				

§ These Letters are in a piece.

| Under the P is a crow's foot.

Transfer Tobacco in the said Warehouse; Notes given in and Tobacco damaged.

	lb. Nett.
For the county of Accomack,	1483
George Clayton,	8349
George Kerr,	108
	<hr/> 9940

An account of each person's loss, who had Tobacco damaged at the College Landing Warehouse.

	lb. Nett tob.
Walter King,	410
Joseph Scrivener,	864
	<hr/> 1274

F F—Vol.6.

An account of each person's loss, who had Tobacco damaged in Hampton warehouse.

	hhds.	lb. lost.
William Westwood,	24	5249
John Hunter,	4	885
Charles Turnbull,	18	3728
John Allen,	2	451
Charles King,	1	197
Mary Tabb,	1	284
William Wager,	1	192
Robert Shields,	1	265
Dun Armistead,	1	327
Priscilla Curle,	3	125
George Ware,	1	25
William Westwood,		1250

An account of each person's loss, who had Tobacco damaged in Norfolk warehouse.

	lb.
Robert Todd,	14375
Robert Tucker,	1055

An account of each person's loss, who had Tobacco damaged in the Great Bridge warehouse.

	lb.
Messieurs Buchanan and Hill,	6018
Robert Todd,	2164

1749	Debitor.	Eastermost River Warehouse.	
Date.	No.	To whom payable.	lb.
March	21.	John Clayton, by his account.	5123
		5 Ditto.	246
		12 David Wilson,	93
		13 The estate of John Read,	209
May	1.	16 Thomas Willis,	144
		23 William Anderson,	23
		20 George Forrester,	3
		8 31 Alexander Cray,	50
		5 32 James Hudgett,	400
		31 49 John Machin,	698
March	27.	58 Ann Collings,	468
June	9.	62 William Brumley,	25
		63 William Elliot,	666
		64 John Elliot,	145
		12 68 William Garrot,	650
		13 70 Richard Macashan,	199
March	25.	72 John Machin,	450
June	9.	65 George Dudley,	310
May	12.	99 James Hill,	212
July	25.	117 Richard Hundley,	100
		20 100 Thomas Williams,	560
		21 88 John Ripley,	31
		89 Ditto.	14
		26 90 William Merchant,	301
		91 Ditto.	4
June	29.	98 Thomas Machin,	31
July	4.	104 The estate of Joseph Brookes,	339
		11 106 Sarah White,	439
		12 107 William White,	421
		18 111 Matthew Gale,	185
		20 113 Christopher Rispass,	15
		21 115 John Turner,	92
June	25.	122 Catherine Spencer,	114

Date.	No.	To whom payable.	£.
		Brought over,	13879
August	1. 127	Elizabeth Longest,	70
	128	Ditto.	398
July	25 134	Robert Hundley,	20
June	19 135	Robert Banks,	632
August	30. 140	Elizabeth Nokes,	150
	24. 137	Robert Elliot,	433
			14563

Transfer Tobacco.	Creditor.
	lb.
By Messieurs Beverley, and Thomas Whiting,	384
Thomas Hayes,	320
Anna Armistead,	116
Francis Whiting,	192
The estate of Captain John Armistead,	601
Calib Hundley,	47
Richard Dunbar,	170
John Philips, jun.	97
James Hayes,	168
Ann Cary,	147
To be accounted for by the inspectors,	2242
Balance to be paid by the treasurer, at 15 per cent.	12331
	14563

CHAP. XI.

An Act for further continuing an act intituled, An Act for the better regulating and collecting certain officers fees, and other purposes therein mentioned.

Preamble.

I. WHEREAS the act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An act for the better regulating and collecting certain officers fees, and other purposes therein mentioned; which was continued by one other act made in the twenty second year of his majesty's reign, will expire on the twelfth day of April next; and it is expedient that the same should be further continued.

The continuance of this act.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said act of Assembly, intituled, An act for the better regulating and collecting certain officers fees, and other purposes therein mentioned, shall continue and be in force, from and after the said twelfth day of April next, for and during the term of seven years, from thence next following, and no longer.

CHAP. XII.

An Act for enlarging the fees for granting licences to pedlars.

Preamble.

I. WHEREAS by the act of the General Assembly made in the nineteenth year of the reign of his present majesty, intituled, An act to explain and amend an act, intituled, an act for licensing pedlars, and preventing frauds in the duties upon skins and furs, every collector of the duties upon skins and furs is authorised and empowered, to grant or refuse, at his discretion, to any person or persons applying to him, a license or licences, to trade as a pedlar or pedlars, during the

term of one whole year; the party obtaining such licence, entering into such bond, and making such oath as in the said act is directed, and paying down the sum of ten shillings, for the use of the governor or commander in chief of this colony for the time being, and the further sum of five shillings, to the collector granting such licence, for writing the same and the bond aforesaid. And whereas divers vagrant and idle persons, of little worth, having obtained such licenses by reason of the smallness of the fees allowed to be taken for the same, under pretence thereof, commit many frauds and abuses, as well in exchanging with the inhabitants of this colony for their valuable commodities, wares of little or no use, as in exporting skins and furs without paying duty: For remedy thereof;

II. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, no collector of the duties upon skins and furs, shall grant to any person, a license to trade as a pedlar, unless such person shall first pay down, besides the said ten shillings for the use of the governor or commander in chief of this colony for the time being, instead of five shillings, the sum of ten shillings to such collector for writing the said license and the bond directed by the above-mentioned act of Assembly, and the further sum of twenty pounds for the use of the college of William and Mary: And if any such collector shall presume to grant such license, without having first received the fees appointed by this act, he shall forfeit and pay for every such offence, the sum of one hundred pounds, one moiety thereof to and for the use and better support of the said college of William and Mary, and the other moiety to him or them that will sue or inform for the same; to be recovered with costs, by action of debt, or information, in any court of record in this colony.

No collectors
to grant li-
censes to
pedlars,
without the
fee.

CHAP. XIII.

An Act to oblige the prosecutors of offences not capital, to pay the costs of prosecution, where the defendant shall be acquitted.

Preamble.

I. WHEREAS divers litigious persons have procured indictments to be preferred against others of his majesty's subjects, for assaults and batteries, and other offences not capital, and caused witnesses to be summoned to appear before the grand jury, and at the trials, who attend at a great expence, but if the grand jury do not find the bills, or the defendants are acquitted by the petit jury, such witnesses go unpaid, and the persons accused are put to great trouble and expence without any redress; for remedy whereof;

When prosecutors are to pay costs.

II. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That when any indictment shall be preferred to the grand jury in the general court, for any matter or cause whatsoever, not touching life or member, his majesty's attorney-general, or the attorney prosecuting for the king, shall, at the foot of the indictment, set down the name or names of the prosecutor or prosecutors, and the place of his or their abode; and if the grand jury shall not find the bill, or the person or persons indicted, shall be acquitted by the petit jury, or judgment shall be given for him or them, such prosecutor or prosecutors shall be liable for all costs and charges occasioned by such indictment, and judgment shall be entered against him or them accordingly, and the clerk of the said court shall tax the lawful fees and allowances to witnesses against him or them, as in civil causes, and executions shall issue in the same manner; any law, custom, or usage to the contrary notwithstanding.

CHAP. XIV.

An Act for laying a public levy, and other purposes therein mentioned.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That twelve pounds and an half of tobacco be paid by every tithable person within this dominion, for the ^{The public} ~~the~~ ^{levy.} detraying and payment of the public charge of the country, being the public levy from the twenty-seventh day of October, one thousand seven hundred and forty eight, to the twenty-seventh day of February, one thousand seven hundred and fifty-two; and that it be paid by the collector of the several counties, to the several persons and counties respectively, to whom it is proportioned by this General Assembly; and if it shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much to the use of the country; and fewer tithables in any county, then such county shall bear the loss.

II. *Provided always,* That where any allowance is ^{Provide.} made in the book of proportions, to any county, to be paid in the same county, no more per poll shall be collected, from the tithables of such county, than will discharge the ballance, after such allowance shall be deducted, and that every county court shall regulate the levy accordingly.

III. *And be it further enacted, by the authority aforesaid,* That the sheriff of every county shall, at the time of giving bond, for the due collection and payment of the next county levy, also give bond and security for the collection and payment of the public levy, now laid and assessed. ^{Sheriff to give bond.}

IV. And whereas there is a ballance of sixteen thousand two hundred and four pounds of tobacco, due to the public, which is levied on the counties of Westmoreland, and King and Queen, as appears by the book of proportions, *Be it further enacted, by the authority aforesaid,* That the sheriff of the said counties of Westmoreland, and King and Queen, shall sell the respective sums of tobacco, levied in his county, as a

depositum for the use of the public, to the highest bidder, at the court of each county respectively, in the month of June, next after receipt of the same, and pay the money, arising from such sale, to the treasurer of Virginia, to be by him accounted for, to the next session of Assembly.

CHAP. XV.

An Act for appointing a Treasurer.

Preamble.

I. WHEREAS by one act of Assembly, made in the twenty-second year of the reign of his present majesty, John Robinson, the younger, esq. was appointed treasurer of the revenue arising from the duty upon liquors, and slaves, laid and imposed by one act of Assembly, made in the nineteenth year of his majesty's reign, intituled, An act for reducing the laws made for laying a duty upon liquors, into one act of Assembly; and by one other act, made in the fifth and sixth years of his said majesty's reign, intituled, An act for laying a duty upon slaves, to be paid by the buyers, to hold the said office of treasurer so long as he should continue speaker of the house of Burgesses, and from the time of his being out of that office, until the end of the next session of Assembly. And whereas the said first mentioned act will expire at the end of this session of Assembly, and it being expedient that a treasurer should be appointed:

The treasurer.

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, John Robinson, esq. shall be, and he is hereby nominated, constituted, and appointed treasurer, of the revenue arising from the duty upon liquors, and slaves, laid and imposed by one act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An act for reducing the laws made for laying a duty on liquors, into one act of Assembly; and by one other act, made in the twenty-second year of his said majesty's reign, intituled, An act for contin-*

being the act, intituled, An act for reducing the laws made, for laying a duty upon liquors, into one act of Assembly; and also by one act of this present session of Assembly, intituled, An act for continuing a clause of an act of Assembly therein mentioned; and by one other act of the same session, intituled, An act for reviving the duty upon slaves, to be paid by the buyers, for a term therein mentioned; and of all other monies payable to the treasurer of this colony, for public uses, by virtue of any other act or acts of Assembly: to hold the said office so long as he shall continue speaker of the house of Burgesses, and from the time of his being out of that office, until the end of the next session of Assembly. And the said John Robinson, esq. is hereby authorised, impowered, and required, to demand, receive, and take of, and from, the several collectors of the said duties, all and every the sum, and sums of money, arising by force and virtue of the said acts, or any or either of them, and shall apply and utter the same, to and for such uses, and upon such warrants, as by the said acts for laying the said duties, or by any other act or acts of the General Assembly, is, or shall be appointed, or directed, and shall be accountable for the said money, to the General Assembly.

III. *And be it further enacted, by the authority aforesaid,* That the salary of five pounds in the hundred, and so proportionably for a greater or lesser sum, shall be allowed and paid to the said treasurer, hereby appointed, out of all and every the sum and sums of money by him received, and accounted for to the General Assembly, as aforesaid, and that there shall be also allowed to the said treasurer, for auditing and settling the accounts of inspectors of tobacco, during the continuance of the laws in that behalf made, the sum of one hundred and fifty pounds per annum, for his trouble and service therein. His salary.

IV. *Provided always,* That the said treasurer, before he enters upon his office, shall give such sufficient security, as shall be approved of by the governor, or commander in chief of this colony, in the sum of ten thousand pounds, for the due answering, and paying, all the money by him, from time to time, to be received, as aforesaid. To give security.

V. And to the end a treasurer may not be wanting, in case of the death, resignation, or disability, of the

Remedy in
case of his
death.

treasurer hereby appointed, *Be it further enacted,* That in either of these cases, it shall and may be lawful for the governor, or commander in chief of this colony, with the advice of the council, for the time being, to appoint some other fit and able person to be treasurer of the duties: to hold the said office, with all powers, authorities, salaries, and profits, aforesaid, until the end of the next session of Assembly: Which treasurer, so appointed, shall, before he enters upon his office, give the like security, as is herein before directed.

CHAP. XVI.

An Act to prevent malicious Maiming and Wounding.

Preamble.

I. WHEREAS many mischievous and ill disposed persons have of late, in a malicious and barbarous manner, maimed, wounded, and defaced, many of his majesty's subjects, for the prevention of which inhuman practices:

What maim-
ing is.

II. *BE it enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That if any person or persons, from and after the first day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty three, on purpose, shall unlawfully cut out, or disable, the tongue, put out an eye, slit the nose, bite or cut off a nose, or lip, or cut off or disable any limb, or member, of any subject of his majesty, in so doing, to maim, or disfigure, in any of the manners before mentioned, such his majesty's subject, that then, and in every such case, the person or persons so offending, their counsellors, aiders, and abettors, knowing of and privy to the offence as aforesaid, shall be, and are hereby declared to be felons, and shall suffer as in case of felony.

Penalty.

Proviso.

III. *Provided,* That no attainder of such felony, shall extend to corrupt the blood, or forfeit the dower of the wife, or the lands, goods, or chattels, of the offender.

CHAP. XVII.

An Act for paying the Burgesses wages, in money, for this present session of Assembly.

I. WHEREAS by one act of Assembly made in the third and fourth years of the reign of his present majesty, intituled, an act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly, should be thereafter held, and upon examination of the treasurer's accounts it should appear, that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly; saving and reserving in the hands of the treasurer, over and above the said payment, a ballance of one thousand five hundred pounds at the least; then every Burgess elected, and serving for a county or corporation within this dominion, should be paid out of the said public money, the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed. And whereas by reason of the large sum of money given for rebuilding the Capitol, and the expiration of the act of Assembly for laying a duty upon slaves, to be paid by the buyers, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, but it is likely there will soon be money sufficient in the hands of the treasurer: And forasmuch as the payment of the Burgesses wages, in money, for this present session, will be a great ease to the poorer sort of people, by lessening the levy by the poll;

Burgesses wages, payable in money.

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer, on the last day of April, in the year of our lord one thousand seven hundred and fifty three, out of the public monies then

in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act, to the contrary thereof, in any wise, notwithstanding.

CHAP. XVIII.

An Act for dividing the county of Lunenburg, and the parish of Cumberland.

Preamble.

I. WHEREAS many inconveniencies attend the inhabitants of the county of Lunenburg, that live in that part of the said county, called the Fork, by reason of their great distance from the court house, and the said inhabitants have petitioned this present General Assembly that the said county may be divided:

Lunenburg
county
divided.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That from, and immediately after the tenth day of May next ensuing, the said county of Lunenburg be divided into two counties; that is to say, all that part thereof lying on the south side of Black-Water creek, and Staunton-river, from the the said Black-Water creek, to the confluence of the said river with the river Dan, and from thence to Aaron's-creek to the county line, shall be one distinct county and parish, and called and known by the name of Halifax, and parish of Antrim; and all that other part thereof, on the north side of Staunton river, from the lower part to the extent of the county upwards, shall be one other distinct county, and retain the name of Lunenburg, and parish of Cumberland; and for the due administration of justice. in the said county of Halifax, after the same shall take place:

Halifax county
formed.

III. Be it enacted by the authority aforesaid, That after the said tenth day of May, a court for the said county of Halifax, be constantly held by the justices thereof, upon the third Tuesday in every month.

IV. Provided always, That nothing herein contained, shall be construed to hinder the sheriff or collector

of the said county of Lunenburg, and parish of Cumberland, as the same now stand entire and undivided, from collecting and making distress for any public dues or officer's fees, which shall remain unpaid by the inhabitants of Halifax, at the time of its taking place; but such sheriff or collector, shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made, any law, custom or usage, to the contrary thereof, in any wise, notwithstanding.

V. And be it further enacted by the authority aforesaid, That the court of the said county of Lunenburg, shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place, and shall and may try and determine all such actions and suits and issue process, and award execution, against the body or estate of the defendant, or defendants, in any such action or suit, in the same manner as if this act had never been made; any law, custom or usage, to the contrary thereof, in any wise, notwithstanding.

VI. And whereas the said county of Lunenburg, and parish of Cumberland, as they now stand entire and undivided, are indebted to sundry persons, in divers sums of money, and also, there is due and owing to the said county and parish, divers sums of money, and quantities of tobacco, which have been heretofore levied upon the tithable persons of the said county and parish, for paying the debts, and defraying the contingent charges of them respectively; Be it therefore enacted, by the authority aforesaid, That Clement Reade, and Peter Fontaine, gentlemen, of the county of Lunenburg, be hereby authorised and impowered, to demand and receive, of all and every person and persons, indebted to the said county of Lunenburg, and parish of Cumberland, as they now stand entire and undivided, all debts and dues owing to them; and the same, when by them received, to apply in discharge of the several debts due, and owing therefrom; and the overplus, if any, shall pay and satisfy to the justices of the said counties of Lunenburg and Halifax, in proportion to the tithable persons in each of the said counties, to be by them applied towards lessening the levy of the said counties, respectively.

VII. *And be it further enacted by the authority aforesaid*, That the freeholders and housekeepers of the said parish of Antrim, shall meet at some convenient time and place, to be appointed and publicly advertised at least one month before, by the sheriff of the said county of Halifax, before the tenth day of July next, and then and there elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof; which said persons so elected, having in the court of the said county of Halifax, taken and subscribed the oaths, appointed to be taken by one act of Parliament made in the first year of the reign of his late majesty, king George the first, intituled, an act for the further security of his majesty's person and government, and the succession of the crown, in the heirs of the late princess Sophia, being Protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England: shall, to all intents and purposes, be deemed and taken to be the vestrymen of the said parish.

VIII. *And be it further enacted, by the authority aforesaid*, That upon the death, removal, or resignation of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby empowered to choose and elect another vestryman in the room of such vestryman so dying, removing, or resigning.

CHAP. XIX.

An Act for dividing the County of Prince George.

Preamble.

I. WHEREAS many inconveniencies attend the upper inhabitants of the county of Prince George, by reason of their great distance from the court house, and the said inhabitants have petitioned this present General Assembly, that the said county may be divided:

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and immediately after the first day of May next ensuing, the said county of Prince George be divided into two counties; that is to say: All that part thereof, lying on the upper side of the run which falls into Appomattox river, between the town of Blanford, and Bolling's point warehouses, to the outermost line of the glebe land, and by a south course to be run from the said outermost line of the glebe land, to Surry county, shall be one distinct county, and called and known by the name of Dinwiddie, and all that other part thereof, below the said run and course, shall be one other distinct county, and retain the name of Prince George.

Prince
George
county divi-
ded.

Dinwiddie
county form-
ed.

III. And for the due administration of justice in the said county of Dinwiddie, after the same shall take place, *Be it enacted by the authority aforesaid,* That after the said first day of May, a court for the said county of Dinwiddie, be constantly held by the justices thereof, upon the second Friday in every month, in such manner as by the laws of this colony is provided, and shall be by their commission directed.

IV. *Provided always,* That nothing herein contained, shall be construed to hinder the sheriff, or collector, of the said county of Prince George, as the same now stands entire and undivided, from collecting and making distress, for any public dues, or officers fees, which shall remain unpaid, by the inhabitants of Dinwiddie, at the time of its taking place, but such sheriff, or collector, shall have the same power to collect or distrain, for the said dues and fees, and shall be answerable for them, in the same manner, as if this act had never been made, any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

V. *And be it further enacted, by the authority aforesaid,* That the court of the said county of Prince George, shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place, and shall and may, try and determine, all such actions and suits, and issue process, and award execution, against the body, or estate of the defendant or defendants, in any such action or suit, in the same manner

as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

CHAP. XX.

An Act for dividing the parish of St. Mark, in the county of Culpeper, and for adding part of that parish to the parish of Saint Thomas, and part of the said parish of Saint Thomas to the upper parish in the said county of Culpeper. .

I. WHEREAS the parish of St. Mark, in the county of Culpeper, by reason of its large extent, is inconvenient to the inhabitants thereof:

Parishes of
St. Mark and
St. Thomas,
in Culpeper
divided, and
new modell-
ed.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next, the said parish of St. Mark shall be divided, by the meander, or crooked run, falling into Robinson river, up to Colonel John Spotswood's corner, on that run, thence by his line north twenty-eight degrees, east to Bloodworth's road, thence from Bloodworth's road, by a straight line to crooked run; a branch of the north fork of the Gourd Vine river, where the main road, called Duncans, crosses the said run, then by the said run up to the head thereof, thence to the head of white oak run, thence by that run down to the North river; and that all that part of the said parish of St. Mark which lies below the said bounds, except so much thereof as lies in the county of Orange, be one distinct parish, and retain the name of St. Mark, and that all that part of the said parish of St. Mark, which lies above the said bounds, together with so much of the parish of St. Thomas as lies in the county of Culpeper, which is hereby added to and made part of the same, be one other distinct parish, and called by the name of Bromfield.

III. *And be it further enacted by the authority aforesaid,* That ~~all~~ that part of the said parish of St. Mark, which lies in the county of Orange aforesaid, after the time aforesaid, shall be part thereof, and is hereby added to the said parish of St. Thomas.

IV. *And be it further enacted, by the authority aforesaid,* That the freeholders, and house keepers, of the said parishes of St. Mark and Bromfield respectively, shall meet at some convenient time and place, to be appointed, and publicly advertised by the sheriff of the said county of Culpeper, at least one month before the tenth day of August next following, and then, and there, elect twelve of the most able and discreet persons of their respective parishes for vestrymen, in each of the said parishes; which vestrymen, so elected, having in the court of the said county of Culpeper, taken and subscribed the oaths appointed to be taken, by one act of parliament, made in the first year of the reign of his majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed, and taken to be, the vestries of the said parishes respectively.

V. *Provided always,* That nothing herein contained, shall be construed to hinder the collectors of the said parishes of St. Mark, and St. Thomas, as the same now stand entire and undivided, from collecting, or making distress, for any parish levies, which shall remain unpaid by the inhabitants of the said parishes of St. Mark and St. Thomas, at the time of their taking place; but such collectors shall have the same power to collect, and distrain, for the said levies, and shall be answerable for them, in the same manner as if this act had never been made; any law, custom, or usage, to the contrary thereof, in any wise notwithstanding.

CHAP. XXI.

An Act for encouraging persons to settle on the waters of the Mississippi.

Privileges granted to settlers, on the waters of the Mississippi, in the county of Augusta.

I. WHEREAS it will be a means of cultivating a good correspondence with the neighbouring Indians, if a proper encouragement be given to persons, to settle on the waters of Mississippi river, in the county of Augusta: And whereas a considerable number of persons, as well of his majesty's natural born subjects, as foreign protestants, are willing to import themselves, with their families and effects, and to settle upon the lands near the said waters, in case they can have such encouragement for so doing: And whereas the settling that part of the country, will add to the strength and security of the colony in general, and be a means of augmenting his majesty's revenue of quit rents;

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That all and every person and persons, being protestants, who shall hereafter settle and reside on any lands, situate to the westward of the ridge of mountains, that divides the rivers Roanoak, James, and Potomack, from the Mississippi, in the county of Augusta, shall be, and is, and are exempted, and discharged, from the payment of all public, county, and parish levies, for the term of ten years, next following, any law, usage, or custom, to the contrary thereof, in any wise, notwithstanding.*

CHAP. XXII.

An Act for dissolving the Vestry of Frederick parish, in Frederick county.

I. WHEREAS the vestry of the parish of Frederick, in the county of Frederick, have assessed and

levied on the inhabitants of that parish, upwards of one thousand five hundred and seventy pounds, and collected and received the same, on pretence of building and adorning churches, in the said parish, and have misapplied or converted the same to their own use, and refuse to render any account of the said one thousand five hundred and seventy pounds, to the parishioners, or finish the church, or chappels, by them begun, which are become decayed, and ruinous, for want of covering, and weather boarding, and the said vestry still continue assessing and levying taxes, on the said parishioners, for the pretended finishing the said church, and chappels, to the great impoverishment of the people, for remedy whereof, and for preventing the like impositions, and oppressive practices, for the future;

II. *BE it therefore enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the vestry aforesaid, be, and it is hereby dissolved, and that all and every act and acts, thing and things, which at any time hereafter shall, or may be done, performed, or suffered, by the said vestry, or pretended vestry of the said parish, shall be absolutely void, and of none effect.

III. *And be it further enacted, by the authority aforesaid,* That the freeholders, and house keepers, of the said parish, shall meet at some convenient time, and place, to be appointed, and publicly advertised, at least one month, (by the sheriff of the said county of Frederick) before the fifteenth day of June next, and then and there elect twelve of the most able and discreet persons, of the parish, to be vestrymen thereof; which said vestry, so elected, by virtue of this act, shall, before they take upon them to act as vestrymen, before the county court of Frederick, take the oaths mentioned, and required to be taken, by an act of parliament, made in the first year of the reign of our late sovereign lord king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown, in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; and subscribe the same, make and subscribe the declaration, and also subscribe to be conformable to the doctrine,

and discipline, of the church of England, and after having taken and subscribed the oaths aforesaid, made and subscribed the declaration, and subscribed to be conformable to the doctrine and discipline of the church of England, as aforesaid, such twelve vestrymen shall, to all intents and purposes, be deemed, and taken to be, a legal vestry of the said parish of Frederick, and upon the death, removal, or resignation, of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby impowered, to chuse, and elect, another vestryman, in the room of such vestryman, so dying, removing, or resigning.

IV. *Provided always*, That nothing herein contained shall be construed to hinder the collector, or collectors, of the said parish of Frederick, from collecting, or making distress, for any parish levies, which shall remain unpaid by the inhabitants of the said parish, after the vestry is constituted as aforesaid; but such collector, or collectors, shall have the same power to collect, and distrain for the said levies, and shall be answerable for them, in the same manner as if this act had never been made.

V. And for the more easy and expeditious bringing former vestrymen, churchwardens, and collectors, to account for the sums of money, by them received, for the use of the said parish, and recovering the same, *Be it enacted, by the authority aforesaid*, That the churchwardens of the said parish be, and they are hereby impowered to settle, and adjust accounts, for all such sum or sums of money, as shall appear to be due from the former vestry, churchwardens, or collectors, to the said parish, and on refusal of settling, or paying such balance as shall appear to be due, as aforesaid, to bring and commence an action, on the case, in their own name, against such vestryman, churchwarden, or collector, in any court of record, and to declare for so much money, had and received, to the use of the present wardens.

VI. *Provided also*, That the churchwardens for the time being, shall allow to the former vestrymen, churchwardens, or collectors, all such sum, or sums of money, as by them, or either of them, hath, or have, been paid, advanced, or engaged, on account of the said parish.

CHAP. XXIII.

An Act to explain the charter, and enlarge the privileges, of the borough of Norfolk, and for other purposes therein mentioned.

I. WHEREAS his present majesty king George the second, by his royal charter, bearing date under the seal of this colony, the fifteenth day of September, in the tenth year of his reign, was graciously pleased to grant to the inhabitants of Norfolk, that the same should be a borough incorporate, consisting of a mayor, recorder, eight aldermen, and sixteen common council men, and was further pleased among other things, to grant unto the said mayor, recorder, aldermen, and common council, of the said borough, and to their successors forever, and to all freeholders of the said borough, owning half a lot of land, with a house built thereon, according to law, and to all persons actually residing, and inhabiting, within the said borough, having a visible estate of the value of fifty pounds current money, at the least, and to all persons who should serve five years to any trade within the said borough, and should after the expiration of their time be actually house-keepers, and inhabitants, in the said borough, full power and authority to name, elect, and send, one Burgess qualified as therein is mentioned, to be present, sit, and vote, in the house of Burgesses of this colony; and some doubts, and controversies, having lately arisen, concerning the construction of the said charter, with respect to the qualifications of persons, entitled by the said charter, to vote at the election of a Burgess, for the said borough: For settling the said doubts and controversies;

Charter of Norfolk explained, and privileges of inhabitants enlarged.

II. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, And the true intent and meaning of the said charter is hereby declared to be, that no person shall vote at the election of a Burgess, for the said borough, in right of any freehold, unless he has an estate of freehold, in one half of a lot of land, within the said borough;

and that there be standing upon the said half of a lot, an house of such dimensions as is required by law, for saving one whole lot, in tenantable repair, at the time of giving such vote; and where two, or more, are seised of any estate of freehold, within the said borough, as joint-tenants, tenants in common, or copartners, no more than one vote shall be given, or allowed, in right of such freehold, and that only in case all the parties interested can agree, otherwise no vote shall be allowed to be given, for any such freehold; and that no person shall be entitled to vote at such election as an inhabitant, or resident, within the said borough, unless he has actually resided there twelve months, next before the time of giving his vote, and no person whatsoever; being a servant, by indenture, covenant, or otherwise, shall be allowed to give any vote at such election, in right, or on account of his being an inhabitant, or resident, within the said borough, and that no person shall be entitled to vote at such election, in right, or on account of his having served five years, in the said borough, unless he shall have actually served as an apprentice to some trade, within the said borough, for the term of five years, and shall have obtained a certificate thereof from the court of Hustings, within the said borough, under the common seal of the said borough, and is also an inhabitant, or house-keeper, within the said borough, at the time of giving his vote, the charge of which seal, to any apprentice so serving as aforesaid, shall not exceed two shillings and six pence, current money.

III. And be it further enacted, by the authority aforesaid, That any person claiming a right to vote as a freeholder, before he is admitted to poll at the election of a Burgess, for the said borough, shall, if required by any candidate, or other person entitled to vote at such election, take the following oath, or being one of the people called quakers, shall declare to the effect of the same, upon his affirmation; that is to say:

You shall swear, that you have a sole estate of freehold, or estate of freehold, in joint-tenancy, tenancy in common, or copartnery with _____ in one half of a lot of land, within the borough of Norfolk, and that there is an house now standing thereon, of such dimensions as is required by law, for saving one whole lot, in tenantable repair, and that the same hath not been granted to you fraudulently, on purpose to qualify you to give your vote at this election.

And every person claiming a right to vote as a resident, and inhabitant, within the said borough, shall, if required, take the following oath, or being a quaker, declare the same on his affirmation; that is to say:

You shall swear, that you are, and have been, for twelve months last past, a resident, and inhabitant, within the borough of Norfolk, and that you have a visible estate of the value of fifty pounds, current money, at the least, and that the same, or any part thereof, hath not been given or conveyed to you fraudulently, on purpose to qualify you to give your vote at this election.

IV. *And be it further enacted*, That no person shall be qualified to be elected one of the common council men of the said borough, until he has actually resided there twelve months, at the least, and such residence shall be deemed a sufficient qualification, although he be no freeholder, and that the writ for electing a Burgess, for the said borough, shall be directed to the said mayor, of the said borough, for the time being, as has been used heretofore, and the said mayor is hereby declared to be the returning officer.

V. And for ascertaining the bounds of the said borough, *Be it enacted, by the authority aforesaid*, That the mayor, recorder, and aldermen, of the said borough, for the time being, be, and they are hereby declared to be, the sole feoffees, or trustees, and directors, of the said borough, and that they be hereby empowered to order a compleat plan to be made, of the bounds, within the said borough, and that the charge thereof be paid by the respective freeholders.

VI. *Provided nevertheless*, That nothing herein contained shall be construed to take away, or alter, the right, and title, of the justices, of the county of Norfolk, in, and to, one certain lot, or parcel of land, within the said borough, whereon the court house, and prison, now stand.

VII. *And be it further enacted, by the authority aforesaid*, That the court of Hustings, within the said borough, shall, from henceforth, have the sole power of granting licenses, to ordinary keepers, within the said borough, and that the county court of Norfolk, shall not exercise any jurisdiction in that matter, as hath been formerly done.

VIII. *Provided always*, That such licenses be granted in the manner directed by one act of Assembly,

made in the twenty second year of the reign of his present majesty, intituled, An act for regulating ordinaries, and restraint of tipling houses; and the justices of the said court of Hustings, shall have the same power and authority, both as to granting licenses and regulating and suppressing ordinaries, as the justices of any county court within this colony have, or may exercise, by virtue of the same, or any other act of Assembly.

IX. And whereas it appears to this Assembly, that there is no court-house, or prison, belonging to the corporation of the said borough, for the commitment of debtors, criminals, and offenders, but that the court house, and prison, of Norfolk county, standing within the limits of the said borough, hath hitherto been used for that purpose, on sufferance, which is attended with inconvenience, both to the said county and borough, and that they are desirous a court-house, and prison, should be built, for the use of the said borough, at the charge of the inhabitants of the corporation: But it is a doubt, whether they have power by their charter to assess a tax, on the said inhabitants, for that use, or for any other needful occasion of the borough, when their chamber is deficient, *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for the mayor, recorder, aldermen, and common council, of the said borough, for the time being, in common hall assembled, to levy, and assess, by the poll, on the tithable persons inhabiting within the said borough, all such sum and sums of money, as shall be necessary for erecting a court house, and prison, for the use of the said borough, if their chamber shall be deficient, and to appoint a collector of the same, and if any person, or persons, shall refuse, or neglect, to satisfy, or pay the money, so on him, her, or them, levied, and assessed, according to the times appointed for payment thereof, it shall and may be lawful, to and for such collector, by warrant, from under the hand of any magistrate of the said borough, to levy the money so due, by distress, and sale of the delinquents goods, in the same manner as for non-payment of public, and county levies, in this colony.

X. *And be it further enacted, by the authority aforesaid,* That the justices of the county of Norfolk, for the time being, shall and they are hereby required, at

the time of laying the levies, for the said county, in every year, to levy for the serjeant and constables, of the said borough, for the time being, so much tobacco, as shall hereafter become due to them, for all such services done, and prison fees, arising within the said borough, not already by law directed to be paid, as would properly be chargeable on the said county, by the sheriff and constables thereof, in case the said borough had not been incorporated.

XI. And whereas at the time of laying out the aforesaid town of Norfolk, a lot, or parcel of land, was laid off and set apart, for the use of a school, for the benefit of the inhabitants of the said borough and county of Norfolk, which said lot, or parcel of ground, is capable of being improved and built on; *Be it enacted, by the authority aforesaid;* That the court of the said county of Norfolk, and the mayor, recorder, and aldermen, of the said borough, or the major part of them, shall have full power and authority to build on, or let the said lot, or parcel of land, for any term of years, for the use and benefit of the said school, and to provide and agree with an able master for the said school, capable to teach the Greek and Latin tongues, which said master, before he be received or admitted to keep school, shall undergo an examination before the masters of the college of William and Mary, and the minister of Elizabeth parish, for the time being, and produce a certificate of his capacity, and also a license, from the governor, or commander in chief of this dominion, for the time being, agreeable to his majesty's instructions; which said master, qualified as aforesaid, shall continue in such office during his good behaviour, and no longer.

CHAP. XXIV.

An Act for establishing the town of Portsmouth, in the county of Norfolk, and to prevent the building of wooden chimnies therein.

I. WHEREAS it hath been represented to this Assembly, that William Crawford, of the county of

Town of
Portsmouth,
in Norfolk
county
established.

Norfolk, gentleman, hath lately laid out a parcel of land, on the south side of Elizabeth river, opposite to the town of Norfolk, into one hundred and twenty-two lots, commodious streets, places for a court house, market, and public landings, for a town, by the name of Portsmouth, and made sale of most of the said lots, to divers persons who are desirous to settle and build thereon speedily; and also that the said town lies very convenient for trade and navigation:

II. *BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said piece or parcel of land be, and is hereby constituted, appointed, erected, and established, a town, in the manner it is already laid out, by the said William Crawford, in lots and streets, to be called by, and retain the name of Portsmouth, and that the freeholders of the said town, shall, for ever hereafter, enjoy the same rights and privileges, which the freeholders of any other towns, erected by act of Assembly, in this colony, have and enjoy.*

II. *And be it further enacted by the authority aforesaid, That it shall not be lawful for any person whatsoever, to erect or build, or cause to be erected or built, in the said town, any wooden chimney; and if any person shall presume to erect, or build, any wooden chimney, contrary to the directions of this act, it shall and may be lawful, for the sheriff of the said county, and he is hereby required, to cause such chimney to be pulled down and demolished.*

CHAP. XXV.

An Act to enable the Vestry of the upper parish in Nansemond County, to sell certain lands, and for other purposes therein mentioned.

I. WHEREAS William Cadowgan, formerly of the upper parish in the county of Nansemond, by his

last will and testament, in writing, bearing date the first day of January, one thousand six hundred and seventy-five, did, among other things, give and devise unto Thomas Milner, gentleman, his heirs and assigns for ever, as feoffee, in trust, for the upper parish of Nansemond, the plantation wherein he then dwelt, for a glebe, for the maintenance of a minister to preach the gospel there, and to be employed to no other use or purpose whatsoever. And whereas the said William Cadowgan, did, by his said will, give and devise his seat of land at Somerton, with the appurtenances and stock of six cows, to such of his relations and name of Cadowgan, as should appear here, in Virginia, and claim the same, and to his heirs and assigns for ever, and did order, and devise, that the rents and profits of the said land and stock, should be received and disposed of, by the churchwardens and vestry of the said parish, towards the maintenance of the poor, and other charitable uses, within the said parish, until such person, of his name and relation, should appear and claim the same. And whereas the said testator, by his said will, did devise unto the said Thomas Milner, his heirs and assigns for ever, in trust, as aforesaid, seven hundred acres of land, the rents and profits to be disposed of by the churchwardens, and vestry, of the said parish, for the time being, and his said feoffee, for the poor of the said parish, and other charitable uses, as the majority of the said vestry, and the said feoffee, should think proper. And whereas the land, given as aforesaid for a glebe, is so very poor, that no minister hath resided thereon for many years; and the other lands, given for the benefit of the poor, being wood land, and very bad, no profit can be made thereby, and the vestry aforesaid, have been obliged to pay the quit rents due to his majesty, for the said lands, from the time of the death of the said testator; and no person, of the name of Cadowgan, having yet appeared to claim the said lands aforesaid:

And whereas the said William Cadowgan, did, by his said will, give and devise his seat of land at Somerton, with the appurtenances and stock of six cows, to such of his relations and name of Cadowgan, as should appear here, in Virginia, and claim the same, and to his heirs and assigns for ever, and did order, and devise, that the rents and profits of the said land and stock, should be received and disposed of, by the churchwardens and vestry of the said parish, towards the maintenance of the poor, and other charitable uses, within the said parish, until such person, of his name and relation, should appear and claim the same. And whereas the said testator, by his said will, did devise unto the said Thomas Milner, his heirs and assigns for ever, in trust, as aforesaid, seven hundred acres of land, the rents and profits to be disposed of by the churchwardens, and vestry, of the said parish, for the time being, and his said feoffee, for the poor of the said parish, and other charitable uses, as the majority of the said vestry, and the said feoffee, should think proper. And whereas the land, given as aforesaid for a glebe, is so very poor, that no minister hath resided thereon for many years; and the other lands, given for the benefit of the poor, being wood land, and very bad, no profit can be made thereby, and the vestry aforesaid, have been obliged to pay the quit rents due to his majesty, for the said lands, from the time of the death of the said testator; and no person, of the name of Cadowgan, having yet appeared to claim the said lands aforesaid:

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That all and singular the lands, and premises aforesaid, with their appurtenances, be, and the same are hereby vested in the present vestry of the said upper parish in Nansemond county, and the vestry of the said parish, for the time being, in trust; neverthe-*

less, that the said vestry, ~~and~~ the greater part of them, shall, by deed or deeds of bargain and sale, duly executed, convey all and singular the said lands, or any part thereof, to such person or persons, as shall be willing to purchase the same, to hold to such purchaser, or purchasers, his and their heirs and assigns for ever; and that the money arising by the sale of the land, devised for a glebe as aforesaid, shall be by them applied for and towards purchasing a good and convenient glebe for the use and benefit of the minister of the said parish, for the time being, for ever; and that the money arising by the sale of the said other lands, and the said stock, shall be by them applied, for and towards erecting a house for the reception of the poor of the said parish, and for such other charitable uses as the vestry of the said parish, for the time being shall think necessary.

III. *Provided always*, That if any person of the relation and name of the said testator, William Cadogan, shall hereafter appear in this colony, and claim the lands and stock herein before mentioned, to be so particularly devised; then, and in such case, the said vestry, of the said parish, or the vestry thereof, for the time being, shall pay to such person, all and singular the sum and sums of money arising by the sale of such last mentioned lands, and the said stock.

CHAP. XXVI.

An Act for establishing the town of Winchester, and appointing Fairs therein.

Town of
Winchester,
in Frederick
county esta-
blished.

I. WHEREAS it hath been represented to this General Assembly, that James Wood, gentleman, did survey and lay out a parcel of land, at the court house in Frederick county, in twenty six lots of half an acre each, with streets for a town, by the name of Winchester, and made sale of the said lots to divers persons, who have since settled and built, and continue building and settling thereon; but because the same was not laid off, and erected into a town, by act of

Assembly, the freeholders and inhabitants thereof will not be entitled to the like privileges, enjoyed by the freeholders and inhabitants of other towns in this colony;

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said parcel of land, lately claimed by the said James Wood, lying and being in the county of Frederick aforesaid, together with fifty four other lots of half an acre each, twenty four thereof to be laid off in one or two streets, on the east side of the former lots; the street or streets to run parallel with the street already laid off, and the remaining thirty lots, to be laid off at the north end of the aforesaid twenty six, with a commodious street or streets, in such manner as the proprietor thereof, the right honourable Thomas Lord Fairfax, shall think fit, be, and is hereby constituted, appointed, erected, and established, a town, in the manner already laid out, and described to be laid out, to be called by and retain the name of Winchester, and that the freeholders of the said town, shall, for ever hereafter, enjoy the same privileges, which the freeholders of other towns, erected by act of Assembly, enjoy.

III. And whereas allowing fairs to be kept, in the said town of Winchester, will be of great benefit to the inhabitants of the said parts, and greatly increase the trade of that town, *Be it therefore enacted, by the authority aforesaid,* That for the future, two fairs shall and may be annually kept, and held, in the said town of Winchester, on the third Wednesday in June, and the third Wednesday in October, in every year, and to continue for the space of two days, for the sale and vending all manner of cattle, victuals, provisions, goods, wares, and merchandizes, whatsoever; on which fair days, and two days next before, and two days next after, the said fairs, all persons coming to, being at, or going from the same, together with their cattle, goods, wares, and merchandizes, shall be exempted, and privileged, from all arrests, attachments, and executions, whatsoever, except for capital offences, breaches of the peace, or for any controversies, suits, or quarrels, that may arise and happen during the said time, in which case process may be immediately issued, and proceedings thereupon had, in the same

manner as if this act had never been made, any thing herein before contained, or any law, custom, or usage, to the contrary thereof, in any wise, notwithstanding.

IV. *Provided always*, That nothing herein contained, shall be construed, deemed, or taken, to derogate from, alter, or infringe, the royal power and prerogative of his majesty, his heirs and successors, of granting to any person or persons, body politic and corporate, the privileges of holding fairs, or markets, in any such manner as he or they, by his or their royal letters patent, or by his or their instructions, to the governor, or commander in chief of this dominion, for the time being, shall think fit.

CHAP. XXVII.

An Act to empower the Vestry of the parish of Truro, in the county of Fairfax, to sell their glebe, and to pay part of the purchase money to the Vestry of the parish of Cameron.

Vestry of
parish of
Truro, in
county of
Fairfax, au-
to sell their
glebe.

I. WHEREAS the glebe of the parish of Truro, in the county of Fairfax, is inconveniently situated and much out of repair, and the minister and vestry, of the said parish, have petitioned this General Assembly for leave to sell the same and purchase another:

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said glebe land, belonging to the said parish of Truro, be, and it is hereby vested in the present vestry of the said parish, and the vestry of the said parish for the time being, in trust; nevertheless, that the said vestry, or the greater part of them, shall, by deed of bargain and sale, indented and duly recorded, convey the said glebe, with the appurtenances, for a valuable consideration of money, bona fide received, to such person or persons as shall be willing to pur-

chase the same, to his or their such purchaser or purchasers, and his or their heirs and assigns for ever. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the minister and vestry of the said parish, all such right, title, interest, claim, and demand, as they, every, or any of them, should, or might, have had, or claimed, to the said glebe land, if this act had never been made.

III. And whereas by one act of Assembly, made in the twenty-second year of the reign of his present majesty, intituled, An act for dividing the parish of Truro, and dissolving the vestry of the parish of Suffolk, and other purposes therein mentioned; it was, among other things, enacted, That from and after the eleventh day of June then next, the said parish of Truro, should be divided by Difficult Run, and its meanders from the mouth to the head thereof, and from thence by a line to the head of Pope's head-run, and down the said run, its several courses and meanders, to the mouth thereof, and that all that part of the said parish, situate on the lower side of the said runs, and line should be one distinct parish, and retain the name of Truro, and all that other part thereof, situate on the upper side of the said runs and line, should be one other distinct parish, and called by the name of Cameron, but it was not provided by the said act, that the inhabitants, of the said parish of Cameron, should be reimbursed the charges which had been levied on them, for purchasing and building on the said glebe, before the said parish of Truro was divided, it being just that they should have some satisfaction for the same:

IV. *Be it therefore further enacted, by the authority aforesaid,* That the said vestry of the parish of Truro, after they shall have received the purchase money, for which the said glebe shall be sold, shall pay to the vestry of the said parish of Cameron, for the use of their said parish, such part of the said money, as their proportion thereof would have amounted to, at the time of the said division, if such sale had been then made.

V. *And be it further enacted, by the authority aforesaid,* That the residue of the said money, arising by the sale of the said glebe, shall by the said vestry of

the parish of Truro, be laid out and applied towards purchasing a good and convenient glebe, for the use and benefit of the minister of the said parish of Truro, for the time being, for ever.

CHAP. XXVIII.

An Act for dissolving the Vestry of the parish of Nottoway, in the county of Amelia, and electing a new Vestry in the said parish.

Vestry of parish of Nottoway, in county of Amelia dissolved, and a new one elected.

I. WHEREAS it hath been represented to this General Assembly, that the election of vestrymen, in the parish of Nottoway, in the county of Amelia, was illegal, and the inhabitants of the said parish have petitioned for a dissolution of the vestry thereof;

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestry, or pretended vestry, of the said parish, is hereby dissolved, and that all and every act and acts, thing and things, which at any time or times hereafter, shall or may be performed, suffered, or done by them as a vestry, or pretended vestry, of the said parish, shall be, and are hereby declared to be, utterly void, to all intents and purposes whatsoever.

III. *Provided always*, That all and every levy and levies heretofore made, and every other act and thing, by the said vestry, or pretended vestry, done, or suffered, shall be good, valid, and effectual, in as full and ample manner, as if the election of the said vestry had been legal and regular.

IV. *And be it further enacted, by the authority aforesaid*, That the freeholders, and house keepers, of the said parish of Nottoway, shall meet, at some convenient time and place, to be appointed, and publicly advertised, at least one month before, by the sheriff of the said county, before the tenth day of June next,

and then; and there, elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof, which said vestrymen, so elected, having in the court of the said county of Amelia, taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed and taken to be the vestrymen of the said parish.

CHAP. XXIX.

An Act for establishing the town of Westham, in the county of Henrico.

I. WHEREAS one hundred and fifty lots, with streets, have been laid off for a town at Westham in the county of Henrico, on the land lately belonging to Beverley Randolph, esq. deceased, and William Randolph, gentleman, the present proprietor, is desirous that the land lying between the said town and the river should be also included: And whereas the said town is seated near the lower landing of an extensive navigation, above the falls of James river, and is likely to become the chief place of trade for all the upper inhabitants of that river, and its several branches;

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the said one hundred and fifty lots, and streets, already laid out, together with the land between those lots

K K—Vol. 6.

and the river, be, and are hereby constituted, appointed, erected and established, a town, to be called by the name of Beverley: That the freeholders and inhabitants of the said town, shall, for ever hereafter, enjoy the same rights and privileges, which the freeholders and inhabitants of other towns, erected by act of Assembly in this colony, have and enjoy; and that it shall and may be lawful for the keepers of storehouses already built, or which shall hereafter be built in the said town, for the reception of tobacco, and other wares and merchandizes, to take the like prices for storage, and shall be under the same rules and regulations, which are appointed by act of Assembly for the keepers or owners of public storehouses.

CHAP. XXX.

An Act for establishing the town of Smithfield, in the county of Isle of Wight, and to prevent wooden chimnies being built therein.

Town of
Smithfield,
in county of
Isle of Wight
established.

I. FORASMUCH as it hath been represented to this Assembly, that Arthur Smith, of the county of Isle of Wight, gentleman, hath laid out a parcel of his lands on Pagan creek, in the said county, into lots and streets for a town by the name of Smithfield, and made sale of the said lots to divers persons who have since settled and built, and are now settling and building thereon; and that the said town is situate on an healthy place, and open to trade and navigation.

II. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said parcel of land, lately belonging to the said Arthur Smith, on Pagan-creek, in the county of Isle of Wight, be, and is hereby established a town, as the same is already laid out, to be called by, and retain the name of Smithfield, and that the freeholders of the said town, shall, for ever hereafter, have and

enjoy the same privileges which the freeholders of other towns, established by act of Assembly, have and enjoy.

III. And whereas it is expedient that trustees should be appointed to lay off and regulate the streets, and to settle the bounds of the said town, *Be it further enacted by the authority aforesaid*, That from and after the passing of this act, Robert Burwell, Arthur Smith, William Hodsdon, James Baker, James Dunlop, James Arthur, and Joseph Bridger, gentlemen, be constituted and appointed trustees for the said town, and they, or any four or more of them, are hereby authorized and empowered, from time to time, and at all times hereafter, to lay off and regulate the streets of the said town, and to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders, for the more regular and orderly building of the houses in the said town, as to them shall seem best and most convenient.

IV. *And be it further enacted, by the authority aforesaid*, That in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, it shall and may be lawful, for the surviving or remaining trustees, from time to time, to elect and choose so many other persons in the room of those so dead or removed, as shall make up the number of seven, which trustees so chosen, shall, to all intents and purposes, be vested with the same power, as any other in this act particularly nominated and appointed.

V. *And be it further enacted, by the authority aforesaid*, That it shall not be lawful for any person whatsoever, to erect or build, or cause to be erected or built, in the said town, any wooden chimney: And if any person shall presume to erect or build any wooden chimney, contrary to the directions of this act, it shall and may be lawful for the sheriff of the said county, and he is hereby required, to cause such chimney to be pulled down and demolished.

An Act for establishing the town of Pocahontas, in the county of Chesterfield; and to prevent wooden chimnies being built therein, and for other purposes therein mentioned.

Town of Pocahontas in Chesterfield established.

I. WHEREAS it hath been represented to this General Assembly, that Richard Witton did survey and lay out a parcel of land in the county of Chesterfield, into sixty six lots of half an acre each, and made sale of the said lots to divers persons, who have since settled and built, and continue building and settling thereon; but because the same was not laid off, and erected into a town by act of Assembly, the freeholders and inhabitants thereof will not be entitled to the like privileges enjoyed by the freeholders and inhabitants of other towns in this colony;

II. *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said parcel of land lately claimed by the said Richard Witton, lying and being in the aforesaid county of Chesterfield, so as aforesaid laid off into a town, be, and the same is hereby constituted, appointed, erected, and established a town, in manner already laid out, and described to be laid out, and to be called by the name of Pocahontas, and that the freeholders of the said town, shall, for ever hereafter, enjoy the same privileges, which the freeholders of other towns, erected by act of Assembly, enjoy.

III. *And be it further enacted, by the authority aforesaid,* That it shall not be lawful, for any person whatsoever, to erect or build, or cause to be erected or built in the said town, any wooden chimney: And if any person shall presume to erect or build any wooden chimney, contrary to the directions of this act, it shall and may be lawful for the sheriff of the said county, and he is hereby required, to cause such chimney to be pulled down and demolished.

IV. *And be it further enacted, by the authority aforesaid,* That from and after the passing of this act, John

Bolling, Richard Eppes, Clement Reade, Augustine Ufaiborne, William Kennon, John Archer, Richard Royal, Robert Kennon, and Roger Atkinson, gentlemen, be, and they, and every of them, are hereby constituted directors and trustees, for building, carrying on, and maintaining the said town; and they, or any five of them, shall have power to meet, as often as they shall think necessary, for appointing a public quay, and such places upon the river, for public landings, as they shall think most convenient; and if the same shall be necessary, shall direct the making of wharfs and cranes at such public landings, for the public use.

V. *And be it further enacted, by the authority aforesaid,* That the said directors shall have full power and authority, to establish such rules and orders for the more regular placing the said houses, as to them shall seem fit, from time to time: And if the inhabitants of the said town shall fail to obey and pursue the rules and orders of the said directors, in repairing and amending the streets, landings, and wharfs, they shall be liable to the same penalties as are inflicted for not repairing the highways in this colony.

VI. And for continuing the succession of the said trustees and directors, until the said town shall be incorporated, *Be it further enacted, by the authority aforesaid.* That in case of the death of any of the said directors, or their refusal to act, the surviving, or other directors, or the major part of them, shall assemble, and are hereby empowered, from time to time, by instrument in writing under their respective hands and seals, to nominate some other person or persons, being an inhabitant or freeholder of the said town, in the place of him or them so dying or refusing; which new director or directors so nominated and appointed shall from thenceforth have the like power and authority in all things relating to the matters herein contained, as if he or they had been expressly named and appointed in and by this act, and every such instrument and nomination, shall from time to time, be entered and registered in the books of the said directors.

CHAP. XXXII.

*An Act to amend an Act, intituled, An Act
for erecting a town at Bray's church, in
the county of King George.*

Act esta-
blishing
Leeds town,
amended.

§ I. WHEREAS by one act of Assembly made in the fifteenth year of the reign of his present majesty, intituled, An act for erecting a town at Bray's church, in the county of King George, sixty five acres of land therein mentioned, and directed to be surveyed and laid out into lots and streets for a town, were vested in certain persons in the said act named, and their successors, who were constituted and appointed directors and trustees, for designing, building, carrying on, and maintaining a town, called Leeds, on the land aforesaid, and were empowered and authorized to sell the lots of the said town; and it was among other things enacted, that the grantee, or grantees, of such lot or lots, so to be conveyed and sold, in the said town, should within two years after the date of the conveyance for the same, erect, build, and finish, on each lot so conveyed, one house, of the materials and dimensions in the said act mentioned, or proportionable to such dimensions, if such grantee should have two lots contiguous; and if the owner of any lot should fail to pursue and comply with the directions in the said act prescribed, for the building and finishing one or more house or houses thereon, then such lot, upon which such house or houses should not be so built and finished, should be revested in the said trustees: And whereas by one other act of Assembly, made in the twenty second year of the reign aforesaid, intituled, An act to empower the trustees of Leeds town to make a causeway through the marsh opposite thereto, and for appointing a public ferry, the trustees of the said town of Leeds, or any four or more of them, were empowered and authorised to agree with any person or persons to clear, dig up, extend, maintain, and improve a causeway, from the river opposite to the said town of Leeds, through the said marsh, to the high land of one Sarah Brookes, in the said last mentioned act named, in Essex county; and from time to time, to widen, repair, and improve the same, and if neces-

sary, to erect and build bridges over any gut or creek, in the said marsh; and it was also, by the said last mentioned act, among other things, enacted, that as well the sum of eighty pounds, therein recited to have been raised by the sales of the said lots, and to remain in the hands of the said trustees, after paying off the respective proprietors of the said sixty-five acres of land, as what other money might be raised by further sale of lots, during the time the said causeway should be making, might be by the said trustees, or any four or more of them, appropriated to that use: And whereas the said eighty pounds, with what other money hath been raised by further sale of lots, are not sufficient to complete the said causeway, and if sundry lots in the said town, remaining undisposed of, were sold, and the money paid for the same applied to the uses in the said last recited act mentioned, the beneficial design thereof would be rendered effectual; but no persons are willing to purchase the said lots remaining unsold, on the condition of building on them according to the directions of the said first mentioned act.

II. *BE it therefore enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That every person who shall purchase any of the said lots remaining unsold as aforesaid, is, and shall be, discharged and released, and shall and may hold the same discharged, and absolutely released of and from the condition of building an house, or houses thereon, according to the directions in the said first recited act prescribed, and of and from any forfeiture, or forfeitures, by occasion of the breach, or non-performance of such condition, any thing in the said first recited act, or any law, or custom, to the contrary thereof, in any wise, notwithstanding.

III. *And be it further enacted, by the authority aforesaid,* That the said trustees, or any four or more of them, shall and may, and they are hereby empowered to apply the money to be paid for the said lots, so remaining unsold, towards the completion, maintaining, and improving the said causeway.

CHAP. XXXIII.

An Act to empower the justices of the county of Stafford, to levy for Nathaniel Harrison, and Hugh Adie, gentlemen, the value of their work and labour in building a court house, which was burned before it was finished.

Act for relief
of Nathaniel
Harrison, &
Hugh Adie,
of Stafford.

I. WHEREAS Nathaniel Harrison, and Hugh Adie, of the county of Stafford, gentlemen, in the year one thousand seven hundred and forty nine, contracted with the justices of the said county of Stafford, and undertook to build and finish a court house for the same county, for the consideration of forty-four thousand and five hundred pounds of tobacco, to be levied, one moiety thereof at the laying of their then next county levy, and the other moiety in the year after, and had almost finished the same, when some evil disposed person or persons feloniously burned and destroyed it: And whereas the said Nathaniel Harrison, and Hugh Adie, ought to be paid so much of the said consideration, of forty-four thousand and five hundred pounds of tobacco, as their work and labour in building the said court house, as far as they proceeded therein, and the materials provided by them for that purpose were worth, but the said justices have not levied the same, on their said county, apprehending they had no authority to do so, the said Nathaniel Harrison, and Hugh Adie, not having completely performed the said contract.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the justices of the said county of Stafford shall, and may, and they are hereby empowered and required to levy, in their next county levy, for the use of, and to be paid to, the said Nathaniel Harrison and Hugh Adie, such proportionable part of the said forty-four thousand and five hundred pounds of tobacco, as they the said justices shall adjudge the work and labour of the said Nathaniel Harrison, and

Hugh Adie, in building the said court house, as far as they proceeded therein, and the materials provided by them for that purpose, to be worth.

CHAP. XXXIV.

An Act for appointing Trustees for the towns of Richmond and Falmouth.

I. WHEREAS the inhabitants of the town of Richmond, in the county of Henrico, have represented to this present General Assembly, that they labour under great inconveniencies, for want of trustees to lay off and regulate the streets, and to settle the bounds of the lots in the said town: Trustees, for towns of Richmond and Falmouth appointed.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act, the honourable Peter Randolph, esq. William Byrd, esq. William Randolph, Bowler Cocke, the younger, Richard Randolph, Thomas Atchison, Samuel Gleadowe, Samuel Du-Vall, and John Pleasants, gentlemen, be constituted and appointed trustees for the said town; and they, or any five or more of them, are hereby authorised and impowered, from time to time, and at all times hereafter, to lay off and regulate the streets of the said town, and to settle and determine all disputes concerning the bounds of the lots of the said town, and to settle and establish such rules and orders, for the more regular and orderly building of the houses in the said town, as to them shall seem best and most convenient.

III. And be it further enacted, by the authority aforesaid, That in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time to time, to elect and choose so many other persons, in the room of those so dead or removed, as shall make up the number of nine, which trustees so chosen shall

be, to all intents and purposes, vested with the same power as any other in this act particularly nominated and appointed.

IV. And whereas by an act of Assembly, made in the first year of his present majesty's reign, intituled, An act for erecting a town in each of the counties of Spottsylvania and King George, certain directors and trustees were appointed, for designing, building, and carrying on the town of Falmouth, in the county of King George, who are all since dead except one, and a succession of the said directors hath not been continued as that act requires: And, it being necessary and expedient that the said town of Falmouth should be supported and maintained, and the bounds and streets thereof properly ascertained; for which purpose, and for the better regulation of the said town, *Be it enacted by the authority aforesaid*, That from and after the passing of this act, Charles Carter, esq. Thomas Turner, Peter Hedgman, John Champe, Robert Jackson, Charles Carter, the younger, John Fitzhugh, Roger Dixon, Andrew Ross, Samuel Donne, and Robert Rae, gentlemen, be constituted and appointed, and they are hereby constituted and appointed directors, and trustees, for building, carrying on, and maintaining the said town of Falmouth as the same was laid off, pursuant to the before recited act of Assembly; and the said directors, or any four or more of them, shall have power to meet as often as they shall think necessary, and cause the bounds of the said town and streets to be surveyed and properly ascertained, and to examine into the titles of the present possessors of any lot or lots within the said town; and if any lot or lots appear to have been sold by the former trustees, and no conveyance by them made to the purchasers, their heirs, or assigns, that then any two of the trustees hereby appointed, shall and may, upon payment of the purchase money, where the same has not been already paid, by some sufficient conveyance, convey the fee simple estate of such lot or lots to the purchasers, who shall peaceably and quietly hold, possess, and enjoy the same, as in the said act is mentioned: And the said directors and trustees, or any four or more of them, are hereby fully empowered to settle an account with the surviving trustee, his heirs, executors, or administrators, of the sale of the lots and disposal of the purchase money, and to dis-

pose of the overplus of the money arising from the sale of the lots to, and for, the same uses as in the before recited act of Assembly are prescribed and set down, for the common benefit of the inhabitants of the said town, and to make and establish such rules and orders for the more regular building the houses, and for repairing and amending the streets and landings, and making and erecting wharfs and cranes, under the same penalties and restrictions as in the before recited act of Assembly is directed, prescribed, ordained and appointed, for the said town of Falmouth; and the succession of the said directors shall be continued in the same manner as therein is also directed, for continuing the succession of the former directors.

CHAP. XXXV.

An Act to vest the right of two acres of land, whereof Elizabeth Exum is seized in fee-simple, in the justices of the county of Southampton, to the use of the said county.

I. WHEREAS the justices of the county of Southampton have, at the charge of the said county, erected a court house, prison, pillory, whipping post, and stocks, for the use thereof at Flowers's bridge, on the land of Elizabeth Exum; but the said Elizabeth Exum being a lunatic, the said justices cannot purchase the land whereon the same are erected, pursuant to the directions of the act of Assembly, intitled, An act for establishing county courts, and for regulating and settling the proceedings therein; and the said justices, and Exum Scott, the committee of the said Elizabeth Exum, have made application to this General Assembly, to have the right of two acres of land, whereon the said buildings are erected, vested in the said justices, for the use of the said county; Certain lands of Elizabeth Exum, vested in justices of Southampton.

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the justices of the said county shall, and may, and are hereby empowered and required, within six months after the passing of this act, to survey and lay out, by metes and bounds, two acres, parcel of the lands of the said Elizabeth Exum, whereon the said buildings are erected, to and for the use of the said county; which said bounds shall be recorded in the records of the same, and the marks thereof renewed from time to time, as occasion may require; and after the same shall be surveyed and laid out as aforesaid, the said court shall and may order two freeholders, of their said county, to view the said two acres of land, and make a report, under their hands and seals, to the next court to be held for the same, of the true value thereof; which report the said court shall order to be recorded, and at the charge of the said county, pay down the valuation money to the said committee of the said lunatic, for her use; and from and immediately thereafter, the said justices, and their successors, shall stand seized and possessed of the said two acres of land, to and for the use of the said county, of and in the same estate, and to the same uses, intents and purposes, as if the same had been by them purchased, pursuant to the direction and authority of the aforesaid act, and to and for no other use, intent, or purpose, whatsoever.

CHAP. XXXVI.

An Act to confirm the title of lands purchased of the Nottoway Indians, and for other purposes therein mentioned.

Title of
lands pur-
chased of
Nottoway
Indians con-
firmed.

I. WHEREAS by an act of Assembly, made in the first year of his present majesty's reign, intituled, An act to enable the Nottoway Indians to sell certain lands therein mentioned, and for discharging the Indian interpreter; the chief men of the said Indians, by

and with the consent of John Simmons, of the county of Isle of Wight, Thomas Cock, and Benjamin Edwards, of the county of Surry, gentlemen, trustees, were impowered and authorised to make sale of all, or any part of thier circular tract of land, of six miles diameter, situate on the north side of Nottoway river, in that part of the county of Isle of Wight, which is Southampton, and after any agreement made for the sale of any part of the said land, so that such part should not exceed four hundred acres to any one person, it should be lawful for the said chief men, together with the said trustees, the survivors or survivor of them, to seal and deliver a deed of feoffment, and to make livery of seisin upon the land, to be indorsed upon such deed, to the purchaser, who immediately after the execution thereof, should pay down to the said chief men, the purchase money, for which a receipt should likewise be indorsed on the deed; and that any feoffment so executed and acknowledged, or proved by the oaths of three witnesses, and recorded in the court of the said county of Isle of Wight, should be sufficient, in law, to pass the fee simple estate of such lands, to the purchaser or purchasers thereof: And whereas the chief men of the said Indians, did sell the said tract of land, but before deeds for the same were executed, pursuant to the directions of the said act, the said trustees died, by reason whereof the titles of the purchasers of the said land are defective, and disputes are likely to arise between the said Indians, and the said purchasers; for prevention whereof, and that the said purchasers may have a legal title to the said land:

II. BE it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the chief men of the said Nottoway Indians be, and they are hereby impowered, by and with the consent of Etheldred Taylor, Thomas Jarrell, Robert Jones, the younger, and Joseph Gray, gentlemen, who are hereby appointed trustees, or the survivors or survivor of them, to seal and deliver a deed or deeds, indented to any person or persons who have purchased any part of the said land, according to the directions of the said act; and such deed or deeds, being acknowledged, or proved, by the oaths of three witnesses, in the general court, or the county court of Southampton, and recorded, shall be as effectual in law, to

pass the fee simple estate of such lands, to the purchaser or purchasers thereof, as if the same had been made and executed, by and with the consent of the said John Simmons, Thomas Cock, and Benjamin Edwards; any thing in the said act contained, to the contrary thereof in any wise, notwithstanding.

III. And whereas many evil disposed persons, under pretence of the said Indians being indebted to them, do frequently disposes them of their guns, blankets, and other apparel, to their great impoverishment, for prevention whereof, *Be it enacted by the authority aforesaid,* That if any person or persons shall hereafter, under any pretence whatsoever, take from any of the said Indians their guns, blankets, or other apparel, such person or persons so offending, shall forfeit and pay to the Indian or Indians so injured, the sum of twenty shillings current money, for every such offence, to be recovered before any justice of the peace of the said county of Southampton; and if the offender be a slave, he shall, for such offence, receive, on his or her bare back, twenty five lashes well laid on, by order of such justice; and if any free person or persons shall trade or deal with the said Indians, for their guns, blankets, or other apparel, the person or persons so trading or dealing with such Indian, shall forfeit and pay the like sum of twenty shillings, for every such offence, to be recovered as aforesaid, and if such offender be a slave, he shall, for such offence, receive, on his or her bare back, twenty five lashes.

IV. *And be it further enacted, by the authority aforesaid,* That the several penalties before mentioned shall be paid to the trustees aforesaid, and by them laid out in common necessaries of life, for the Indian to whose use the same shall be recovered.

CHAP. XXXVII.

An Act for allowing Fairs to be kept in the Town of Alexandria.

Fairs, in
Alexandria
authorised.

I. WHEREAS allowing fairs to be kept in the town of Alexandria, in the county of Fairfax, will be

very commodious to the inhabitants of those parts of Virginia, and greatly increase the trade of that town:

II. *BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That for the future two fairs shall and may be annually kept, and held, in the said town of Alexandria, on the last Thursday in May, and the last Thursday in October each, to continue for the space of two days, for the sale and vending of all manner of cattle, victuals, provisions, goods, wares, and merchandizes, whatsoever; on which fair days, and on two days next before, and two days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their cattle, goods, wares and merchandizes, shall be exempt and privileged from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for any controversies, suits, and quarrels, that may arise and happen during the said time, in which cases processes may be immediately issued, and proceedings thereupon had, in the same manner as if this act had never been made; and that this act shall commence immediately after the end of this session of Assembly, and continue and be in force for two years, and from thence to the end of the next session of Assembly, and no longer.

III. *Provided always,* That nothing herein contained, shall be construed, deemed, or taken, to derogate from, alter, or infringe, the royal power and prerogative of his majesty, his heirs or successors, of granting to any person or persons, body corporate or politic, the privilege of holding fairs, or markets, in such manner as he or they, by his or their royal letters patent, or by his or their instructions, to the governor, or commander in chief of this dominion, for the time being, shall think fit.

CHAP. XXXVIII.

An Act for building a Bridge over Pagan Creek; and for appointing several new Ferries.

Bridge over
Pagan creek,
to be built.

I. WHEREAS it hath been represented to this Assembly, by divers of the inhabitants of the county of Isle of Wight and others, that it will be very advantageous and convenient to them to have a bridge built and maintained over the western branch of Pagan creek, from the land of William Hodsdon, in the said county of Isle of Wight, to the land of Richard Reynolds, in the said county, and they have prayed leave to build a bridge at the said place, over the said creek, and to maintain and keep the same in repair, by subscription;

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That for the better building, ordering, and keeping in repair the said bridge, over Pagan creek, at the place aforesaid, it shall be in the power of Robert Burwell, esq. Arthur Smith, Lawrence Baker, Joseph Bridger, James Baker, William Hodsdon, James Dunlop, James Arthur, and Andrew Mackie, gentlemen, of the county aforesaid, who are hereby nominated trustees, for putting so much of this act in execution as relates to the bridge aforesaid, or any five or more of them, to receive subscriptions, and the money subscribed, for every person and persons who shall be willing to make such subscriptions, and to apply the same towards building a bridge at the place aforesaid, and keeping the same in repair, and to design, direct, and agree with workmen for building the said bridge, so that the same be not less than twelve feet in breadth, and railed on each side three feet high, with one arch at least twenty feet wide, sufficiently high for the passage of boats and flats.

III. And for continuing the succession of the trustees for the said bridge, *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful to and for the said trustees, herein before mentioned, or any five or more of them, from time to time, and

at all times hereafter, during the continuance of the said bridge, upon the death, resignation, or removal, of any of the trustees herein before mentioned, to elect and choose such and so many other person or persons, inhabiting within the said county of Isle of Wight, as as they shall think fit. not exceeding nine; which person or persons, so elected and chosen as aforesaid, shall be deemed, and taken to be, trustees for the bridge aforesaid, as fully and amply as if appointed by this act.

IV. *Provided always*, That nothing in this act contained shall extend, or be construed to extend, to empower the justices of the said county of Isle of Wight, or their successors, the justices of the said county for the time being, to tax any levy, or assess any money, or tobacco, on the inhabitants of the said county of Isle of Wight, for the building, maintaining, and keeping in repair, the said bridge, but that the same shall be built, maintained, and kept in repair, by subscription as aforesaid and by no other ways or means whatsoever.

V. *And be it further enacted, by the authority aforesaid*, That public ferries be constantly kept at the places herein after named, and that the rates for passing the said ferries be as follows; on the western branch of Pagan creek, from the land of William Hodsden, to the town of Smithfield in the said county of Isle of Wight, and from the said town of Smithfield to the land of the said William Hodsden aforesaid, the price for a man four pence, and for a horse the same, until the bridge herein before mentioned, over the said creek, at the place aforesaid, shall be built, and no longer, and from the said town of Smithfield to the land of Charles Fulgham, over the eastern branch of Pagan creek, in the county aforesaid, and from the land of the said Charles Fulgham to the said town of Smithfield, the price for a man six pence, and for a horse the same: And for the transportation of wheel carriages, tobacco, cattle, and other beasts at any of the places aforesaid, the ferry keepers may demand and take the rates following, *to wit*; for every coach, chariot or waggon, and the driver thereof, the same as for six horses; for every cart or four wheel-chaise, and the driver thereof, as for four horses; for every two wheel-chaise or chair, as for two horses; for every hogshead of tobacco, as for one horse; for every head

New ferries
established.

of neat cattle, as for one horse; for every sheep, goat or lamb, one fifth part of the ferriage of one horse; for every hog, one fourth part of the ferriage of one horse; according to the prices herein before settled, at such ferries respectively, and no more.

CHAP. XXXIX.

An Act to enable the Vestry of the parish of Washington, in the county of Westmoreland, to sell a tract of land therein mentioned, and to apply the money arising by such sale towards purchasing other land for a glebe.

Vestry of parish of Washington, in the county of Westmoreland, authorised to sell certain lands.

I. WHEREAS William Horton, by his last will and testament in writing, bearing date the tenth day of January in the year of our Lord one thousand seven hundred, did give and devise a tract of land, in the said will particularly described, to the Round-hill church, for a glebe for ever, which church is situate in the parish of Washington, in the county of Westmoreland; and whereas great part of the said tract of land, since the death of the said William Horton, hath been recovered at law from the said parish of Washington, and the remainder thereof is not sufficient for a glebe: And whereas the vestry of the said parish of Washington have made application to this present General Assembly, that an act may pass to enable them to sell the said land, in order to raise money towards purchasing a convenient glebe, for the use of the parson of the said parish of Washington:

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said land, so given by the said William Horton to the Round-hill church, shall be and the same is hereby vested in the present vestry of the said parish of Washington and the vestry of the said parish for the time being, in trust, that they shall sell, and

by deeds of bargain and sale convey, for the best price that can be got for the same, the said tract of land with the appurtenances, by such description as they shall think fit, to any person or persons, who shall be willing to purchase the same, to hold to such purchaser or purchasers in fee-simple, and when the same shall be so sold and conveyed, in trust, for and towards purchasing, with the money arising by such sale, a convenient tract of land for a glebe, for the use of the parson of the said parish of Washington, for the time being for ever. and for building thereon according to the directions of the act of Assembly in such case made and provided.

CHAP. XL.

An Act for clearing Appomattox and Pamunkey rivers.

I. WHEREAS the upper part of the rivers Appomattox and Pamunkey are become useless to the inhabitants of this colony, by means of mill-dams, fish-hedges, and other obstructions therein, for remedy thereof:

II. BE it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the honourable Peter Randolph, esquire; William Randolph, George Carrington, Clement Read, John Nash, Benjamin Harris, George Walker, and Joseph Morton, the younger, gentlemen, be and are hereby appointed trustees for the clearing the river Appomattox; and that the honourable William Nelson, esq; the honourable Thomas Nelson, esq; Ralph Wormley, John Chiswell, John Syme, Henry Robinson, William Winston, the younger, and William Dabney, gentlemen, be appointed trustees for the clearing the river of Pamunkey, and the said trustees are authorised and empowered to take and receive subscriptions for the clearing of the said rivers, and they are hereby directed to apply the money, arising from such

Appomattox and Pamunkey rivers, to be cleared.

subscriptions, for the clearing the river, to which they are respectively appointed by this act, and they or any four of them, may agree with any person or persons for clearing the said rivers, who shall have full power and authority to remove all stops, which they or the said trustees shall think, in any wise, obstruct the navigation of the same.

III. *And be it further enacted*, That where any mill-dams are raised or built across the said rivers, or either of them, the proprietor or proprietors of such mill or mills, shall within six months after the passing of this act, build, erect, or prepare a gate, lock or passage, sufficient and convenient for the passing of any boat or other vessel, and if the proprietor or proprietors of any such mill or mills, shall fail to erect, build or prepare such gate, lock, or passage, within six months after the passing of this act, then it shall and may be lawful to and for the said trustees, or the person or persons so appointed by them, to break down and destroy the said mill-dams, any law, usage, or custom to the contrary, in any wise, notwithstanding.

IV. And whereas by an act, made in the twenty second year of his present majesty's reign, intituled, An act for clearing rivers and creeks, it is enacted "That all hedges, or stone-stops, already made across any river, creek, or run, shall be taken up and destroyed by the person or persons who made or placed the same," under a certain penalty therein mentioned, which hath not answered the purposes expected, by reason of the difficulty of fixing the proof on the person or persons offending against the said act, *Be it therefore enacted, by the authority aforesaid*, That the charge of taking up and destroying any hedges and stone-stops, or any part of them, that shall be standing, or remaining, in either of the said rivers of Appomattox or Pamunkey, on the tenth day of July next, or at any time after that day, shall be repaid to the said trustees respectively, by the person or persons opposite to whose lands the said hedges, or stone-stops, shall be; and the said person or persons permitting them to remain as aforesaid, shall moreover be liable and subject to the penalties by the said recited act imposed.

V. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the said trus-

tees, or any person or persons employed by them in the execution of this act, to pass through, or go on shore upon the lands of any person whatsoever, without being subject to an action of trespass for the same; and if any suit shall be commenced for any thing done in pursuance of this act, the person or persons sued, may plead the general issue, and give this act in evidence; and every court before which such suit shall be prosecuted, where a verdict shall be found for the defendant, or the plaintiff shall be non-suited, shall give judgment for the defendant and treble costs.

VI. And be it further enacted by the authority aforesaid, That it shall be lawful for the said trustees, or persons employed by them, respectively, to cut or take off the lands of any person adjacent to the said rivers, such, and so much timber, as shall be necessary for the purposes of this act, and the same shall be viewed and valued, as is directed by an act made in the twenty second year of his majesty's reign, intituled, An act concerning highways, mill-dams, and bridges, and shall be paid for by the said trustees.

VII. And be it further enacted, That in case of the death, removal-out of the country, or other legal disability of any one or more of the trustees before named, it shall and may be lawful for the surviving or remaining trustees, from time to time, to elect and choose so many other persons, in the room of those so dead or removed, as shall make up the number of eight, which trustees so chosen, shall be, to all intents and purposes, vested with the same power as any other in this act particularly nominated and appointed.

CHAP. XLI.

An Act for building a bridge over Appomattox river, by subscription.

I. WHEREAS it hath been represented to this General Assembly, that a bridge over Appomattox river, from Bolling's point, in the county of Prince George, to the land of John Bolling, gentleman, in

Bridge over
Appomattox
river to be
built.

the county of Chesterfield, would be very convenient for travellers; and divers of the inhabitants of the said counties have petitioned for leave to build a bridge over the said river by subscription:

II. *BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That* John Bolling, Richard Eppes, William Kennon, Roger Atkinson, Robert Bolling, Frederick Jones, and William Pride, gentleman, be, and they are hereby nominated and appointed trustees for building a bridge over the said river, at the place aforesaid; and the said trustees, or any four or more of them, shall have power and authority to receive subscriptions from any person or persons, and to apply the money subscribed, towards building, maintaining and keeping in repair the said bridge, in such manner as they the said trustees, or any four or more of them, shall judge necessary and convenient, so that the same be not less than twelve feet in breadth, and railed on each side three feet high, with one arch across the channel, at least ten feet above high water, and thirty feet wide, for the passage of flats and other vessels.

III. *And be it further enacted by the authority aforesaid, That* upon the death, removal out of the county, or resignation of any of the said trustees, the other trustees, or any four of them, shall and may elect one or more person or persons, of the same county, in the stead of the trustee or trustees so dying, removing, or resigning, and the trustee or trustees so elected, shall have the same power and authority, as if he or they had been particularly nominated and appointed by this act.

IV. *And be it further enacted, by the authority aforesaid, That* the said bridge shall be maintained no longer than the same can be done by subscription, and that neither the justices of the county of Dinwiddie, when the same shall take place, or the justices of the said county of Chesterfield, shall be obliged, at any time hereafter, to build a bridge over the said river, at the place aforesaid, at the charge of their counties; any law, custom, or usage, to the contrary thereof, in any wise notwithstanding.

CHAP. XLII.

An Act for preserving the breed of Sheep.

I. WHEREAS the breed of sheep is greatly diminished in many parts of this dominion; that is to say, ^{Preservation} in the counties of James City, York, Warwick, Elizabeth City, Richmond, Fairfax, Middlesex, Essex, Gloucester, Charles City, King George, Northampton, Westmoreland, Northumberland, Lancaster, Goochland, King William, New Kent, King and Queen, Prince George, and Princess Anne, by reason that negroes and other slaves are not restrained from carrying dogs about with them, from place to place, for prevention whereof;

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the tenth day of June, it shall not be lawful for any negroe, or other slave or slaves, in the counties aforesaid, in going from one plantation to another, to carry with him, her, or them, any dog whatsoever, other than is herein after excepted; and if any slave or slaves, shall presume to carry about with him, her, or them, any dog, contrary to the intention of this act, it shall and may be lawful for any person or persons whatsoever, to kill and destroy every such dog; and moreover, the slave or slaves so offending, shall, upon complaint made before any justice of the peace, receive on his, her, or their bare back, twenty lashes, by order of such justice.

III. And whereas dogs frequently ramble from home, and destroy great numbers of sheep, and some persons are so unneighbourly as to refuse their being killed; *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for any justice of the peace, upon due proof made to him, of any dogs killing sheep, to order such dog to be destroyed forthwith.

IV. Provided, That nothing herein contained shall be construed to hinder any person or persons from sending his or their slave or slaves, from place to place, with his or their hounds, spaniels, pointing or setting dogs, for his or their diversion, as they might have done before the making of this act.

V. *And be it further enacted*, That this act shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Assembly.

CHAP. XLIII.

An Act for allowing a free ferry to be kept at Port Royal.

Ferry at
Port Royal
established.

I. WHEREAS it hath been represented to this present General Assembly, that it will be of great advantage to the inhabitants of the town of Port Royal, in the county of Caroline, and others, and will much increase the trade thereof, if a free ferry should be kept from the said town over Rappahanock river, to the land now in the possession of John Moore, in the county of King George.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the inhabitants of the said town of Port Royal, to keep a ferry from the said town, over the said river, to the land of the said John Moore, and from the land of the said John Moore, to the said town, and transport any person or persons, with their commodities, at the said places, without receiving any reward for the same.

CHAP. XLIV.

An Act to dock the intail of two hundred and fifty acres of land, in the parish of Westover, in the county of Charles City, whereof Rebecca, wife of William Clinch, lately died seised in fee tail, and for vesting the same in certain trustees in fee-simple; and for other purposes therein mentioned.

I. WHEREAS Philip Edloe, of the county of Charles City, deceased, being in his life time seised and possessed of a certain tract or parcel of land, lying and being in the parish of Westover, in the said county, and containing by estimation two hundred and fifty acres; did, by his last will and testament, bearing date the seventh day of February, in the year of our Lord one thousand seven hundred and twenty six, give and bequeath the same unto his then wife, during her natural life, and if she proved with child, and it should be a son, then to such son and the heirs of his body; and for want of such issue he gave and devised the said tract of land to his daughter Rebecca, and the heirs of her body forever, with divers limitations, over in case of failure of issue of the body of the said Rebecca, as by the said last will and testament, reference being thereunto had, may more at large appear. And whereas the child of which the wife of the said Philip Edloe was enceinte, at the time of his making his said will proved to be a daughter, whereby the said Rebecca became seised of the said two hundred and fifty acres of land in tail, under the limitations and restrictions, in the will of the said Philip Edloe, mentioned; and she the said Rebecca, did intermarry with William Clinch, of the county of Surry, gentleman, and is since dead, leaving issue by the said William, a son named Philip Clinch, to whom the reversion and inheritance in tail of the said lands is descended, expectant upon the death of the said William Clinch, who is intituled to the same for life, by the curtesy of

Intail of certain lands, whereof Rebecca Clinch, wife of William Clinch died seised, lying in Charles-City docked.

England. And whereas the said William Clinch is possessed of six negroe slaves, to wit, three men named Greenwich, Tom, and Charles, and three women named Black Betty, Phillis, and Patt. and of sundry other slaves which he cannot conveniently employ in labour on the said small tract, and it would be greatly to the advantage of the said William Clinch, his said son, and all others claiming in remainder under the said will of the said Philip Edloe, if the said lands were sold, and the money arising by such sale laid out in the purchase of other lands, to be settled, together with the said six slaves to the same uses. And forasmuch as notice hath been published three Sundays successively, in the several churches of the said parish of Westover, where the said land lieth, that application would be made to this present General Assembly, to dock the intail of the said two hundred and fifty acres of land, and to sell the same, and for investing the money arising by such sale, in other lands, to be settled, together with the said slaves, to the same uses, pursuant to your majesty's instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said William Clinch, in behalf of himself and his said son, that it may be enacted, and *Be it enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the commencement of this act, the said two hundred and fifty acres of land, with the appurtenances, shall be, and the same are hereby vested in Carter Burwell, of the county of James City; Benjamin Harrison, and Richard Kennon, of the county of Charles City; Robert Jones, the younger, and Augustine Claiborne, of the county of Surry, gentlemen, who are appointed trustees for putting this act in execution; in trust, that they the said trustees, or the survivors or survivor of them, shall cause the said lands to be sold at public sale, for the best price that can be got for the same; and upon payment of the purchase money, the said trustees or any three of them, shall seal and deliver a deed or deeds, indented for the conveyance of the fee-simple estate and inheritance of the said land to the purchaser or purchasers, who shall for ever hold and enjoy the same, freed and discharged from all the limitations in the last will and testament of the said Philip Edloe; any law, usage, or

custom, to the contrary thereof, in any wise notwithstanding. And if any purchase shall be made, by any person or persons whatsoever, contrary to this act, such sale shall be void, to all intents and purposes whatsoever.

III. And be it further enacted, by the authority aforesaid, That the money arising by the sale of the said lands, shall be, by the trustees, the survivors or survivor of them, as soon as conveniently may be, after receiving the same, fairly lay out and dispose of in the purchase of other lands; and the said trustees, the survivors or survivor of them, are hereby impowered and required to cause a deed or deeds to be executed for the lands so by them to be bought to the said William Clinch; which said lands, and the six several-slaves, herein before particularly named, from and after the perfecting such deed or deeds, shall descend, pass, and go to the said William Clinch, his said son, and all persons claiming under the will of the said Philip Edloe, descended in such manner, and for such estates, respectively therein, as the said two hundred and fifty acres of land would have remained, gone, and descended, by virtue of the said will, if this act had never been made.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Philip Edloe, deceased, all such right, title, interest, claim, and demand, as they, every or any of them, should or might claim if this act had never been made.

V. Provided always, That the execution of this act, shall be and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. XLV.

An Act for continuing the act, intituled, An Act for reviving and amending the acts for allowing Fairs to be kept in the towns of Fredericksburg and Richmond.

I. WHEREAS the act of Assembly made in the twentieth year of the reign of his present majesty, intituled, An act for reviving and amending the acts, for allowing fairs to be kept in the towns of Fredericksburg and Richmond, which will expire at the end of this session of Assembly, hath been found very useful, and of great benefit to the inhabitants of the said towns, by increasing the trade thereof, and it is proper and expedient that the same should be continued;

Act allowing
Fairs in
Fredericks-
burg, and
Richmond,
continued.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act of Assembly made in the twentieth year of the reign of his present majesty, intituled, An act for reviving and amending the acts for allowing fairs to be kept in the towns of Fredericksburg and Richmond, shall continue and be in force, from and after the expiration thereof, for and during the term of seven years, from thence next following, and from thence to the end of the next session of Assembly.

 CHAP. XLVI.

An Act to vest certain intailed lands therein mentioned, in Rueben Skelton, gentleman, in fee-simple, and for settling other lands of greater value to the same uses.

I. WHEREAS David Crawford, deceased, was in his life time seised in fee of, and in two hundred acres

of land, with the appurtenances, lying and being in the parish of St. Paul, in the county of Hanover, formerly New Kent, and being so thereof seized, he the said David Crawford, did make his certain deed poll, bearing date the twelfth day of May, in the year of our Lord one thousand six hundred and ninety seven, and, thereby, for the consideration therein mentioned, did give and grant the same lands unto David Meriwether, gentleman, and to the heirs of his body for ever, and on failure of such heirs, to William Meriwether, gentleman, and his heirs for ever, as by the said deed acknowledged and recorded in the county court of New Kent, may more fully appear. And whereas the said David Meriwether is since dead, leaving issue Thomas Meriwether, his eldest son and heir, who, after the death of his said father, entered into the said two hundred acres of land, and was thereof seised, and apprehending that he had a fee-simple estate therein, hath agreed to sell and convey the same to Rueben Skelton, gentleman, for the consideration of six hundred and fifty nine pounds current money. And whereas the said Thomas Meriwether is seised in fee-simple of and in a certain tract or parcel of land, containing by estimation, two thousand one hundred and twenty acres, lying and being in the parish of Fredericksville, in the county of Louisa, lately purchased by him, of Nicholas Meriwether, gentleman, and William Meriwether, on which last mentioned lands the said Thomas hath made considerable improvements. And whereas it will be greatly to the advantage of the eldest son of the said Thomas Meriwether, to dock the intail of the said two hundred acres of land, whereby the said Thomas may be enabled to provide for his younger children, and to settle the other parcel of land whereof he is seised in fee-simple, being of greater value, to the same uses. And forasmuch as notice has been published three Sundays successively, in the several churches of the said parish of Saint Paul, in the county of Hanover, that application would be made to this present General Assembly, to dock the intail of the said two hundred acres of land, upon settling the other lands of greater value to the same uses, pursuant to your majesty's instructions.

Certain intailed lands vested in Reuben Skelton, and others vested to the same uses.

II. May it therefore please your most excellent majesty, at the humble suit of the said Thomas Meri-

wether, and Rueben Skelton, that it may be enacted, and *Be it enacted, by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said two hundred acres of land, so as aforesaid agreed to be sold unto the said Rueben Skelton, be, and are hereby vested in the said Rueben Skelton, his heirs and assigns, to the only use and behoof of the said Rueben Skelton, his heirs and assigns for ever: And that the other parcel of land herein before mentioned to be purchased by the said Thomas Meriwether, lying and being in the county of Louisa, be, and is hereby vested in the said Thomas Meriwether, and the heirs of his body for ever, and on failure of such heirs, the same shall remain, go, and descend to all and every such person and persons, and for such estate or estates, and in such sort, manner and form, as the said two hundred acres of land would have remained, gone, and descended, by virtue of any limitations in the deed of the said David Crawford before mentioned, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the deed aforesaid, of the said David Crawford, all such right, title, interest, claim and demand, as they, every or any of them, should or might claim if that act had never been made.

IV. *Provided always,* That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XLVII.

An Act to confirm and establish an agreement made between John New and Benjamin Harrison, gentlemen, for the settlement of their respective rights to certain lands; and for other purposes therein mentioned.

I. WHEREAS John Bland, late of London, merchant, deceased, was, in his life time, seised, in his demesne, as of fee, of one tract or parcel of land lying and being in the parish of Westover, in the county of Charles City, containing eight thousand acres more or less, called and known by the name of Kymages, by virtue of a conveyance from Edward Bland, bearing date the twentieth day of March, in the year of our lord one thousand six hundred and seventy four, and by his last will and testament, in writing, bearing date the third day of May in the year of our lord one thousand six hundred and eighty, devised the said eight thousand acres of land, and all his right, title, interest, claim and demand, therein and thereto, to his wife Sarah Bland and Thomas Povey and their heirs for ever, and died so seised, after whose death the said Sarah Bland and Thomas Povey, by their certain deed of feoffment, bearing date the twenty fifth day of March, in the year of our lord one thousand six hundred and eighty one, made between the said Sarah Bland, by the name of Sarah Bland relict, and executrix of John Bland of London merchant, deceased, and Thomas Povey, esq. executor of the said John Bland of the one part, and Edward Bland of Kymages, in the parish of Westover, in the county of Charles City aforesaid, of the other part, for and in consideration of the sum of five shillings, did give, grant, bargain and sell, enfeof and confirm, unto the said Edward Bland, all that seat, dividend and parcel of land, situate in the parish of Westover, in the county of Charles-City aforesaid, containing by estimation two thousand acres more or less, being part of the said tract of eight thousand acres of land, called and known by the name of Kymages, to be held and enjoyed

Agreement
between
John New
and Benjamin
Harrison
concerning
certain lands
confirmed.

by the said Edward Bland, and such woman as he should be lawfully married unto at the time of his death, for and during the term of their lives and the life of the survivor of them, and from and after their decease to the heirs of the body of the said Edward Bland and to their heirs for ever, by virtue whereof the said Edward Bland entered into the two thousand acres of land aforesaid, with the appurtenances, and thereof was seised and being so seised departed this life intestate, leaving issue, by Margaret his lawful wife, John a son, and Sarah a daughter, which said Margaret survived the said Edward Bland, and intermarried with Thomas Tanner, and also survived him, and the said John Bland the son of the said Edward Bland also died intestate and without issue, in the life time of the said Margaret, and Sarah his sister and heir at law, entered into the said two thousand acres of land and appurtenances, and became seised in possession of two third parts, and of the reversion of the other third part of the same, expectant immediately upon the determination of the natural life of the said Margaret Tanner, and intermarried with Edward New, late of the county of Charles-City deceased, whom she survived, by whom she had issue John a son, and afterwards intermarried with Alexander Horton, late of Charles-City county deceased, and the said Alexander Horton and Sarah his wife, by their certain indenture bearing date the sixth day of February, in the year of our lord one thousand seven hundred and twenty two, for and in consideration of one thousand five hundred and thirty acres of land, situate on Hunting-quarter swamp, in the county of Surry, and fifty pounds sterling money of Great-Britain, did give, grant, exchange, alien, transfer, and confirm, unto Benjamin Harrison, esq. late of the parish of Westover, in the county of Charles-City, deceased, the aforesaid two third parts of the said two thousand acres of land and appurtenances, with the reversion and reversions, remainder and remainders thereof, and also the reversion and reversions, remainder and remainders of the said other third part of the said two thousand acres of land to hold to the said Benjamin Harrison, his heirs and assigns, to his and their only proper use and behoof forever, and afterwards the said Margaret Tanner, by her certain indenture bearing date the sixth day of August, in the year of our lord one thousand

seven hundred and twenty three, for and in consideration of the sum of thirty pounds lawful money of Great-Britain, and other causes in the said indenture expressed and received, did grant, surrender, assign, and release, the other third part of the said two thousand acres of land and appurtenances, and all the estate, right, title, interest, and possession, of her the said Margaret Tanner, of, in, and to the same, unto the said Benjamin Harrison, his heirs and assigns for ever, by virtue of which said indentures, the said Benjamin Harrison entered into the said two thousand acres of land, and thereof became seised, and also the said Alexander Horton and Sarah his wife, entered into the aforesaid one thousand five hundred and thirty acres of land, and thereof became seised and possessed, and the same is still possessed and enjoyed by the heirs and assigns of the said Alexander Horton and Sarah his wife, and the said Benjamin Harrison, being seised and possessed of the said two thousand acres of land as aforesaid, did, by his last will and testament, in writing, bearing date the seventh day of October, in the year of our Lord one thousand seven hundred and forty three, give, and devise, the said two thousand acres of land and appurtenances, to his son Benjamin Harrison, the younger, and the heirs of his body lawfully begotten for ever, and died so seised, by virtue whereof, the said Benjamin Harrison, the younger, entered into the said two thousand acres of land and appurtenances, and is still seised and possessed thereof; and the said Benjamin Harrison, the younger, is also seised in his demesne, as of fee, of one water grist-mill, and seven hundred acres of land thereunto belonging, situate in the parish of Henrico, in the county of Henrico, and near the town of Richmond: And whereas several disputes, law suits, and controversies, arose and subsisted between the said John, who is son and heir of the aforesaid Sarah Horton and the said Benjamin Harrison deceased, concerning their respective rights to the said two thousand acres of land and appurtenances, whereof the said Edward Bland at the time of his death was seised, the said John New claiming the same, under the afore-mentioned deed of the said Sarah Bland and Thomas Povey, as an estate tail, and the said Benjamin Harrison deceased, insisting that the estate tail of the said two thousand acres of land and appurte-

nances, limited by the aforesaid deed of the said Sarah Bland and Thomas Povey, was extinct, in John Bland the son and heir of Edward Bland aforesaid, and that he was seised thereof in his demesne, as of fee, under the aforesaid indentures, of the said Alexander Horton and Sarah his wife, and the said Margaret Tanner, which said law-suits, disputes, and controversies, have been revived and continued between the said John New and the said Benjamin Harrison, the younger, since the decease of his said father. Whereupon it hath been agreed between the said John New and the said Benjamin Harrison for the final ending, settling, and determining, the said disputes, law-suits, and controversies, that the said Benjamin Harrison would convey to the said John New, and to the heirs of his body lawfully begotten for ever, the water grist-mill, and seven hundred acres of land, with the appurtenances, lying and being in the parish of Henrico, in the county of Henrico aforesaid, and negro slaves of the value of three hundred and fifty pounds current money of Virginia, and that the said John New should release all his right, title, and pretensions, to the aforesaid two thousand acres of land with the appurtenances, unto the said Benjamin Harrison, and that the same should be held and enjoyed by the said Benjamin Harrison, and the heirs of his body, according to the limitations and estates mentioned in the last will and testament of the aforesaid Benjamin Harrison deceased. And whereas the said John New and Benjamin Harrison have applied to this General Assembly, for an act to confirm and establish the said agreement, having made publication of their design three Sundays, successively, in the churches of the parish of Westover, where the said two thousand acres of land do lie, and forasmuch as the same is very just and reasonable, the said water grist-mill and seven hundred acres of land, and negro slaves, to the value of three hundred and fifty pounds, being of greater value than the said two thousand acres of land;

II. May it please your most excellent majesty, for preventing all further suits and controversies between the said John New, and Benjamin Harrison, and their heirs, touching the right of the said two thousand acres of land and appurtenances, at the humble suit of the said John New and Benjamin Harrison that it may be enacted, and *Be it enacted by, by the Lieutenant*

Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the agreement above-mentioned, between the said parties, be, and is hereby confirmed and established, and shall ever hereafter be valid and binding, between them and their heirs, and all others claiming under the aforesaid deed of the said Sarah Bland and Thomas Povey.

III. *And be it enacted, by the authority aforesaid, That the said Benjamin Harrison, shall, within twelve months after the passing of this act, pay and satisfy to the honourable Peter Randolph, esq. William Byrd, Richard Kennon, and Bowler Cocke, the younger, gentlemen, who are hereby appointed trustees to execute the same, the sum of three hundred and fifty pounds current money of Virginia, which said sum of money, the said trustees, the survivor or survivors of them, as soon as conveniently may be after receiving the same, shall fairly lay out in the purchase of negroe slaves, and the said trustees, the survivor or survivors of them, are hereby impowered and required to cause a deed or deeds to be executed for the said slaves, so by them to be bought, to the said John New; which deed or deeds shall be acknowledged or proved by three witnesses, and recorded in the county court of Henrico; and the said John New, from and immediately after the executing and performing of such deed or deeds shall stand seised of the aforesaid water grist-mill, and seven hundred acres of land, with such negroe slaves, to such use and uses, and of such estate and estates, and the same shall pass in descent, reversion and remainder, according to the limitations and estates mentioned in the aforesaid deed of Sarah Bland and Thomas Povey; any thing to the contrary thereof, in any wise, notwithstanding. And the said tract or parcel of land, lying and being in the parish of Westover, in the county of Charles-City, containing two thousand acres, from and after the investing of the said three hundred and fifty pounds, in the purchase of negroe slaves, by the said trustees, and the executing and perfecting of a deed or deeds to the said John New, in manner before directed, shall be held, possessed and enjoyed, by the said Benjamin Harrison in fee tail, under the restrictions, remainders and limitations, in the last will and testament of the said Benjamin Harrison, esq. deceased, specified, limited, and appointed.*

IV. Saving to the king's most excellent majesty, his heirs and successors, and every other person and persons, bodies politic and corporate, their respective heirs and successors, all such right, title, estate, interest, claim and demand, of, in and to, any of the afore-mentioned lands, other than the persons claiming under the deed of the said Sarah Bland and Thomas Povey, and the last will and testament of the said Benjamin Harrison, esq. or either of them, as they, every, or any of them, should or might claim, if this act had never been made.

V. *Provided always*, That the execution of this act, shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XLVIII.

The Act to dock the intail of certain lands whereof Arthur Smith is seised; and to settle a water mill, with other lands of greater value, to the same uses.

Intail of certain lands of which Arthur Smith is seised, docked.

1. WHEREAS Arthur Smith, of the county of Isle of Wight, gentleman, deceased, was in his life time, seised in fee-simple of and in one certain tract or parcel of land, containing two thousand two hundred and seventy five acres, with the appurtenances, lying and being in the said county of Isle of Wight, then in the parish of Warwicksqueak, now New Port parish, on Pagan creek, and by his last will and testament, in writing, bearing date the first day of October, in the year of our Lord one thousand six hundred and forty five, did devise the same to his children, Thomas Smith, Arthur Smith, Richard Smith, George Smith, and Jane Smith, and to their heirs for ever; but if any of his said children should happen to die before they should attain to their several ages or afterwards, without issue male of their bodies lawfully begotten, that then the part and portion of land to them or any of them so devised, shall go and remain to the heirs male

of the bodies of the survivor or survivors of them and every of them, as in the said will proved and recorded in the court of the said county, among other things more fully is contained, and soon after making the said will departed this life, after whose death his said children entered into the said lands and were thereof seised, and the said Thomas Smith, Richard Smith, George Smith, and Jane Smith, died without issue, whereby the said Arthur Smith, the son, became seised of the whole tract aforesaid, and being so seised, made his last will and testament, in writing, bearing date the second day of December, in the year of our Lord one thousand six hundred and ninety six, and thereby, among other things, he did devise the said lands to his three sons, Arthur Smith, George Smith, and Thomas Smith, and the male heirs of their bodies lawfully begotten, and in default of issue, of any of his said sons, to the survivor and the male heirs of his body lawfully begotten, and for want of male heirs, to the female heirs of their bodies lawfully begotten, and on failure of such, to his three daughters, Jane, Sarah, and Mary, and the male heirs of their bodies lawfully begotten, his said daughter Jane, and the heirs of her body, to have half of the said land, and the other half to fall to his other two daughters Sarah and Mary, and the male heirs of their bodies, and for want of issue of both his sons and daughters, then the said land to fall to the use of the parish of New Port, for maintaining and encouraging a free school, as in the said will, proved and recorded in the said county court, more fully is contained, and soon after making the said will, the said Arthur Smith died seised as aforesaid, and after his death his said sons entered into the said lands, and the said George Smith, and Thomas Smith, died without issue, whereby the said Arthur Smith, the grandson, became seised of all the said lands with the appurtenances, and died so seised leaving issue Arthur Smith, his eldest son and heir, who entered into the same, and hath lately laid off seventy five acres or thereabouts, part of the said lands into lots and streets for a town called Smithfield, and hath agreed for the sale of many of the said lots, which town is likely to become of great custom and trade, and will tend very much to the increase of the value of the residue of the said intailed lands. And whereas the said last mentioned Arthur Smith is seised, in

fee-simple, of one water grist mill, with two acres of land thereunto belonging, by him lately purchased of one Thomas Walton, and of forty acres of land or thereabouts, near the said mill, lately purchased by him of William Hodsden, lying and being in the said parish and county, which said mill and lands with the appurtenances, are of greater value than the said seventy five acres, so laid off by the said last mentioned Arthur Smith, for the use aforesaid, and the said Arthur Smith, being desirous to perform his agreement for the sale of the said lots, is willing, that the entail of the said seventy five acres should be dock'd, and the said mill with the said forty acres, purchased of the said William Hodsden, shall be settled to the same uses: And forasmuch as notice hath been published in the several churches of the said parish of New Port, that application would be made to this General Assembly, to dock the entail of the said seventy five acres of land, with the appurtenances, and to vest the same in the said last mentioned Arthur Smith, in fee-simple, upon settling other lands, and the said mill, to the same uses, pursuant to your majesty's instructions;

II. May it therefore please your most excellent majesty, at the humble suit of the said last mentioned Arthur Smith, that it may be enacted, *By the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said seventy five acres of land or thereabouts, with the appurtenances, part of the said two thousand two hundred and seventy five acres on Pagan creek, and so as aforesaid laid off for a town, be, and the same are hereby vested in the said last mentioned Arthur Smith, his heirs and assigns, to the only use and behoof of him the said Arthur Smith, his heirs and assigns for ever: And that the said water grist mill, with the lands and appurtenances thereunto belonging, and the said forty acres of land with the appurtenances, purchased of the said William Hodsden, be, and the same are hereby vested in the said Arthur Smith, to such use and uses, and for such estate and estates, and subject to the like limitations as the said seventy five acres of land or thereabouts, are and stand limited by the said two recited wills, and the said Arthur Smith, and all others claiming under him, shall have, hold, and enjoy, the

said mill and forty acres of land, in lieu of the said seventy five acres of land, in the same manner as he, she, or they, could or might have claimed, held or enjoyed, the said seventy five acres of land, so laid off for a town as aforesaid, in case this act had never been made, and not otherwise.

III. Saving to the King's most excellent majesty, his heirs and successors, and all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the two before recited last wills and testaments, all such right, title, interest, claim, and demand, as they, every or any of them, should or might have had or claimed if this act had never been made.

V. *Provided always*, That the execution of this act, shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XLIX.

An Act to dock the entail of certain lands whereof David Garland is seised, and for settling other lands and slaves of greater value to the same uses.

I. WHEREAS Edward Garland, the elder, late of the county of New Kent, deceased, was in his lifetime seised in fee-simple of, and in one certain tract or parcel of land, containing by estimation six hundred and eighty acres, being the land whereon he lived, with the appurtenances, lying and being in the parish of St. Paul, then in the county of New Kent, but now in the county of Hanover, and being so seised, did make his last will and testament, in writing, bearing date the fourteenth day of March, in the year of our Lord one thousand seven hundred and nineteen, and thereby, among other things, he did give and devise the same unto his son Edward Garland, and the heirs of his body lawfully begotten, by the description of the plantation whereon he then lived, and all the land

Intail of certain lands of which David Garland is seised, docked.

belonging to it, up to the head of the little neck, excepting the life of his wife Jane Garland upon the said plantation, to him and his heirs, and so from heir to heir as long as any should appear, but failing of such heirs, to the other brother in the manner before directed by the said will, as in the said will proved and recorded in the court of the said county of New Kent more fully is contained, and soon after making the said will the said Edward Garland departed this life, after whose death and the death of the said Jane Garland, the said Edward Garland the son, entered into the said lands, with the appurtenances, and was seised thereof as the law requires, and died so seised, after whose death David Garland, eldest son and heir of the said Edward Garland the son, entered into the said land, with the appurtenances, and was and is thereof seised: And whereas the said David Garland is seised, in fee-simple, of one certain tract or parcel of land containing by estimation, twelve hundred and twenty two acres, lying and being in the county of Lunenburg, lately purchased by him of John Edloe, and Anne his wife, and one other tract or parcel of land containing by estimation, eight hundred and twenty six acres, lying and being in the said county of Lunenburg, lately purchased by him of William Edloe, and Anne his wife, and is also possessed of eight slaves, named Will, Peter, Daniel, Adam, Dick, Gilbert, Kate, and Amy, as of his own proper slaves, and it will be for the advantage and benefit of the heir in tail, and of those claiming in remainder and reversion, under the will of the said Edward Garland, the elder, to dock the entail of the said tract or parcel of land in the county of Hanover, whereby the said David Garland may be enabled to make a better provision for his younger children, and to settle his said other lands, in the county of Lunenburg, with the slaves aforesaid to be annexed thereto, being of greater value, to the same uses. And forasmuch as notice has been published three Sundays successively, in the several churches of the said parish of Saint Paul, that application would be made to this General Assembly, to dock the entail of the said six hundred and eighty acres of land, and to settle other lands and slaves of greater value to the same uses, pursuant to your majesty's instructions;

II. May it therefore please your most excellent majesty, at the humble suit of the said David Garland, that it may be enacted, and *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said tract or parcel of land, with the appurtenances, containing six hundred and eighty acres, lying and being in the said county of Hanover, so as aforesaid, devised by the last will and testament of the said Edward Garland, the elder, and whereof the said David Garland now stands seised in fee-tail, be, and the same is hereby vested in the said David Garland, his heirs and assigns in fee-simple, to the only use and behoof of him the said David Garland, his heirs and assigns for ever; and that the said two several tracts or parcels of land herein before mentioned, to be purchased by the said David Garland, lying and being in the said county of Lunenburg, and all and every the slaves before named, together with the future increase of the said female slaves, be, and the same are hereby vested in the said David Garland, and the heirs of his body lawfully begotten, and upon failure of such heirs, the same shall remain and descend to such person and persons, in the same manner, and under the same limitations and remainders successively, as the said six hundred and eighty acres of land would have remained and descended, by virtue of the said before recited last will and testament of the said Edward Garland, the elder, if this act had never been made.

III. *And be it further enacted, by the authority aforesaid,* That the estate tail in the said lands in the county of Lunenburg, hereby settled in lieu of the other lands in the county of Hanover, shall not at any time hereafter be docked or defeated, by writ in the nature of an ad quod damnum or otherwise, except by act of the General Assembly of this dominion.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Edward Garland, the elder, all such right, title, interest, claim, and demand, as they, every or any of them, should or might claim, if this act had never been made.

V. *Provided always*, That the execution of this act, shall be and it is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. L.

An Act to rest certain intailed lands therein mentioned in Henry Washington, gentleman, in fee-simple.

Certain intailed lands vested in Henry Washington.

I. WHEREAS Edwin Thacker, late of the county of Middlesex, gentleman, deceased, was in his life time seised in fee tail general, of and in two thousand eight hundred acres of land, or thereabouts, in the county of King William, and three thousand acres of land, or thereabouts, in the county of Middlesex aforesaid, under and by virtue of the last will and testament of Edwin Thacker, his father, and being so seised, departed this life, in the year of our Lord one thousand seven hundred and forty-five, leaving Elizabeth Thacker, his widow, and Frances, Elizabeth, Anne, and Sarah, his daughters, and coheirs to whom the said lands, after the death of their father, descended in coparcenary: And whereas after the death of the said Edwin Thacker, the son, the mansion house where he had lived, with eleven hundred and twelve acres, or thereabouts, part of the aforesaid lands in Middlesex, was assigned to the said Elizabeth Thacker, the widow, for her dower of the said lands in Middlesex, and in lieu of her dower of the said lands in King William; and Lewis Burwell, of the county of James City, gentleman, having married with the above named Frances; and Henry Washington, of the said county of Middlesex, having married with the above named Anne, partition of the said lands in King William, and of the residue of the lands in Middlesex, was only made and confirmed among the said coparceners: And whereas the said Elizabeth Thacker, the widow, hath lately departed this life, by which the said Lewis Burwell, and Frances his wife, in right of the said Frances, the said Elizabeth Thacker the

daughter, the said Henry Washington, and Anne his wife, in right of the said Anne, and the said Sarah Thacker, are seised in coparcenary, in fee-tail, of and in the aforesaid eleven hundred and twelve acres. But forasmuch as if partition should be made, of the said eleven hundred and twelve acres, among the said copartners, their several purparts would be of very little value, in regard a dwelling house and out houses and offices thereto belonging, on one part of the said eleven hundred and twelve acres of land, are of such great value, that the part of the said land to be allotted therewith, if any, would be very small, and the said houses cannot conveniently be divided, and in regard great part of the said eleven hundred and twelve acres, is very mean, and lies in such a manner, that if every copartner should have an equal proportion of the good and mean land, her part must be laid off in a long and narrow form, whereas the whole together would be of great value, and the said Henry Washington hath come to an agreement with the said Lewis Burwell, and Frances his wife, Elizabeth Thacker the daughter, and Sarah Thacker, to pay them the sum of nine hundred pounds as a consideration for their parts of the said eleven hundred and twelve acres, provided the fee-simple estate of all the said lands may be vested in him, to which the said Anne Washington hath freely and voluntarily consented. And whereas notice hath been published in the churches of the parish of Christ Church, where the said lands lie, that application would be made to this General Assembly for leave to dock the entail of the said lands, pursuant to your majesty's instructions. Therefore,

II. May it please your most excellent majesty, at the humble suit of the said Lewis Burwell, and Frances his wife, Elizabeth Thacker the daughter, Henry Washington, and Anne his wife, and Sarah Thacker, that it may be enacted, and *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said eleven hundred and twelve acres of land, late in the possession of the said Elizabeth Thacker, deceased, with the appurtenances, be, and the same are hereby vested in the said Henry Washington, his heirs and assigns, to the only use and behoof of him the said Henry Washington, his heirs and assigns for ever,

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their heirs and successors, other than the persons claiming under the last will and testament of the said Edwin Thacker, the father, their heirs, executors, administrators or assigns, all such right, estate, title, interest, claim and demand, whatsoever, of, in and to the said eleven hundred and twelve acres of land, with the appurtenances, as they, or any of them, had, or should, or might have had, if this act had never been made.

IV. *Provided always*, That the execution of this act shall be suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LI.

An Act to amend the Act, intituled, An Act for establishing a town, near Roy's warehouse, in the county of Caroline; and for other purposes therein mentioned.

Act establishing a town, near Roy's warehouse, in Caroline county amended.

I. WHEREAS by an act of Assembly, made in the eighteenth year of the reign of his present majesty, intituled, An act for the establishing a town near Roy's warehouse, in the county of Caroline, and for other purposes therein mentioned; sixty acres of land which had been laid off for a town pursuant to the will of Robert Smith, deceased, were vested in certain trustees or directors therein named, who were empowered and directed to set apart so much of the said land for a market place, a public quay, and public landings on the river, as they should think necessary, and to sell the residue of the said lots at public sale, from time to time, to the highest bidder, and to convey the same to the purchasers respectively, and to apply the money arising by such sale, in the first place, for and towards satisfying and paying such judgment, or decree, as should be obtained by the assignees of a mortgage for the said land made to Micajah Perry, Thomas

Lane, and Richard Perry, of London, merchants, in the said act particularly mentioned, and if any money should remain after the payment of such judgment or decree and costs, then to pay and allow one fifth part of such overplus to the widow of the said Robert Smith, and to put out to interest, upon good security, the remaining four parts for the benefit of Lawrence Smith, Charles Smith, Elizabeth Smith, and Dorothy Smith, the children of the said Robert Smith, or the survivors of them, and the representatives of any of the said children, who should happen to die, to be paid them in equal proportions, when they should respectively attain the age of twenty-one years, or marriage, as in the said act of Assembly more fully is contained: And whereas the said trustees, or directors, have sold the said lots of land, according to the directions of the said act, and have, out of the purchase money, paid and satisfied the money and tobacco recovered by the assigness of the mortgage aforesaid, and there remains a considerable sum of money in their hands, which hath been by them put out to interest according to the directions of the said act; and forasmuch as it hath been represented to this General Assembly, that it was the true design and intention of the last will and testament of the said Robert Smith, that such overplus money should be equally divided, between his widow of the said Robert Smith, and his five children, Lawrence, Charles, Sarah, Elizabeth, and Dorothy, and divers suits and controversies have arisen, and are likely to arise, between the said children concerning the same, for settling which differences, and for disposing of the said overplus money; according to the true intention of the said testator Robert Smith;

II. *BE it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That so much of the said recited act of Assembly, as relates to the disposition of the said overplus money remaining, after satisfying the judgment or decree obtained by the assignees of the mortgage aforesaid, be, and the same is hereby repealed and made void to all intents and purposes whatsoever.*

III. *And be it further enacted, by the authority aforesaid, That all the money arising by the sale of the lots aforesaid, and all interest accruing thereon, and which shall remain after deducting what shall have*

been paid, in satisfaction of the judgment obtained by the assignees of the mortgage aforesaid, and the costs expended on that occasion, and also the necessary expences in and about the passing and execution of the said recited act, shall be, by the said trustees and directors, or the survivors of them, applied in the following manner; that is to say: One sixth part thereof shall be by them paid to the executor, or administrator, with the will annexed, of Elizabeth Smith, deceased, late widow of the said Robert Smith, and to be applied as in her said will is directed, and the other five parts shall be equally divided between the said Lawrence Smith, Charles Smith, Sarah, the wife of Luke Burford, Elizabeth, the wife of Charles Venable, and Dorothy Smith, children of the said Robert Smith, deceased, and paid to them respectively by the said trustees or directors: And whereas by the death and removal out of the country of some of the trustees or directors in the said recited act named, and the remote situation of others from the said town, and from each other, it is difficult for a sufficient number of the said directors to meet for the purposes mentioned in the said act. Wherefore,

IV. *Be it enacted, by the authority aforesaid, That* Edward Dixon, Robert Gilchrist, and James Bowie, gentlemen, are hereby appointed directors and trustees for putting the said recited act in execution, and together with the surviving trustees, in the same act named, shall have the same power and authority, in all things relating to the matters contained in the said recited act, as if they the said Edward Dixon, Robert Gilchrist, and James Bowie, had been expressly named and appointed in the said recited act.

CHAP. LII.

An Act for docking the intail of certain lands, in the county of James-City, and vesting the same in Thomas Chamberlayne, gentleman, in fee-simple; and for settling other lands of greater value to the same uses.

I. WHEREAS Daniel Parke the elder, late of the county of York, deceased, was in his lifetime, and at the time of his death, seised in fee-simple, of and in a certain tract or parcel of land, lying and being in the parish of Blisland and county of James City, containing one thousand six hundred and seventy eight acres or thereabouts, and being so seised, by his last will and testament, duly recorded in the general court and dated the eleventh day of October one thousand six hundred and seventy, devised the same, among other lands, to his son Daniel Parke, in fee tail, which said Daniel Parke the son, after the death of his father, entered into the said lands, and died thereof seised, in fee-tail, leaving issue Frances Custis and Lucy Byrd, his only children and coheirs: And whereas after the death of the said Daniel Parke, the son, a partition and division of the said intailed land was made, between his said daughters, upon which partition the aforesaid one thousand six hundred and seventy eight acres of land were allotted unto the said Lucy Byrd, who entered into the same, and became thereof seised in fee-tail, and died so seised, leaving issue Evelyn and Wilhelmina, her only children and coheirs, which said Evelyn is since dead, without issue, whereby the said land became and is now vested in the said Wilhelmina, now the wife of Thomas Chamberlayne, of the county of King-William, gentleman, and whereas the said Thomas Chamberlayne, is and stands seised in fee-simple, of and in three tracts of land, in the parish of Saint John in the county of King-William, situate and lying contiguous and adjoining to each other, the one called Scotland-quarter, another the White-Oak, and the other the Home-House-Tract, contain-

Intail of certain lands in James-City docked, and vested in Thomas Chamberlayne, in fee-simple.

ing together one thousand five hundred and fifty acres and upwards, upon which Home-House-Tract he hath made very considerable improvements, which hath rendered the said one thousand five hundred and fifty acres of land, of much greater value than the said one thousand six hundred and seventy eight acres, whereof he is seised in fee tail, in right of his wife, and the said Thomas Chamberlayne, and Wilhelmina, his wife, are desirous to dock the intail of the said land, in James City county, and to settle the said lands in King-William county, in lieu thereof: And forasmuch as notice hath been published, three Sundays successively, in the church of the said parish of Blisland, that application would be made to this General Assembly, to vest the said one thousand six hundred and seventy eight acres of land, in the said county of James City, in the said Thomas Chamberlayne, in fee-simple, and for settling the said lands, in the county of King-William, to the same uses as the said one thousand six hundred and seventy eight acres are, and stand limited by the last will and testament of the said Daniel Parke, the elder, pursuant to your majesty's instructions;

II. May it please your most excellent majesty, at the humble suit of the said Thomas Chamberlayne, and Wilhelmina his wife, that it may be enacted, and *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said one thousand six hundred and seventy eight acres of land, with the appurtenances, in the county of James City, so as aforesaid devised, by the said Daniel Parke the elder, to his son Daniel Parke, shall be, and the same are hereby vested in the said Thomas Chamberlayne, his heirs and assigns for ever, and the said Thomas Chamberlayne, his heirs and assigns, shall hold the same. freed and discharged, from all the limitations mentioned in the said last will and testament of the said Daniel Parke, the elder, and that the said one thousand five hundred and fifty acres of land, in the county of King-William, called Scotland-quarter, the White-Oak, and the Home-House-Tract, shall be, and the same are hereby, vested in the said Thomas Chamberlayne, and Wilhelmina, his wife, to such use and uses as the said one thousand six hundred and seventy eight acres of land, in the county of James-

City, are and stand limited, by the last will and testament of the said Daniel Parke, the elder.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, all such right, title, estate, interest, claim and demand, other than the persons claiming under the last will of the said Daniel Parke, the elder, as they, every or any of them, should or might claim if this act had never been made.

V. *Provided always*, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. LIII.

An Act for docking the intail of certain lands in the county of King-William, and vesting the same in William Dandridge, in fee-simple; and for settling other lands, and slaves, of greater value, to the same uses.

I. WHEREAS John West, late of the parish of Saint John, in the county of New-Kent, was in his lifetime, among other lands, seised in fee-simple of, and in a certain tract or parcel of land, then called Barbers-Fields, situate, lying and being, in the said parish of Saint John, and county aforesaid, but now in the county of King-William, and by his last will and testament, in writing, bearing date the fifteenth day of November, in the year of our lord one thousand six hundred and eighty nine, devised the same unto his son Nathaniel West, and his heirs for ever, but in case of his death or default of issue, then to his two sons John and Thomas West, and their heirs, equally to be divided between them, and in case his three sons aforesaid should die, without issue, then the said land to descend to his daughter Anne Fox, wife to Henry Fox, and her heirs for ever, as by the said will duly recorded in the court of the county of King and Queen,

Intail of certain lands in King-William docked and vested in William Dandridge, in fee-simple

Q q—Vol. 6.

may more at large appear, and some time after making the said will the said testator John West died, so seised, after whose death, the said Nathaniel West, entered into the said lands, and became thereof seised in fee-tail, and some time after died, so seised, leaving issue, Unity, his only child and heir, to whom the said land descended; and whereas after the death of the said Nathaniel West, William Dandridge, esq. now deceased, husband of the said Unity, entered into the said tract or parcel of land, called Barbers-Field, and became thereof seised, in right of the said Unity, and being so seised, and having purchased the fee-simple estate and inheritance of four hundred and ninety six acres of land, in the said parish of Saint John, and county of King-William, made his last will and testament, in writing, bearing date the twenty fifth day of August, in the year of our lord one thousand seven hundred and forty three, and thereby among other things, devised, to his son Nathaniel West Dandridge, as followeth, "item, I give to my son "Nathaniel Dandridge, all my lands, plantations, "marshes and sunken grounds, that I purchased or "have in King-William county, to him and his heirs "for ever, after the decease of my wife, to whom "I give the aforesaid lands, plantations, and sunken "grounds, or marsh, during her life, *Provided never-* "theless, and upon this condition, that he, my said son, "consent to, and do his utmost endeavour, to dock "the intail of that tract of land called Barbers-Hills, in "this county, by act of Assembly, and get the fee-simple "estate of the same vested in his brother William, and "the lands hereby devised, together with the ten follow- "ing slaves, *to wit*, Molly, Sarah, Tom, Robin, Jem- "my, Billy son of Ogee, Jack the son of negroe Judy, "Will Jackson a new negroe, Sharper, and Ben, set- "tled to the same uses." But on failure of his doing the same, then the said testator charged the lands by his said will devised to his said Nathaniel, with the payment of five hundred pounds to his said son William, duly as by the said will, recorded in the court of the said county of King-William, may at large appear: And whereas the lands and slaves, herein before mentioned to be directed by the said testator William Dandridge, to be settled in lieu of the said tract or parcel of land, called Barbers-Field, alias Barbers-Hills, are of much greater value than the said intailed lands,

and it will greatly redound to the benefit of the said Nathaniel West Dandridge, and all claiming under the will of the said John West, that the said fee-simple lands, and slaves, should be settled in lieu of and to the same uses, that the said tract or parcel of land, called Barbers-Field, alias Barbers-Hills, is and stands limited by the last will and testament of the said John West, and the aforesaid Unity, the widow, and relict of the said William Dandridge, being willing to relinquish her estate, in all the said premises, and to fulfil the will of her said husband. And forasmuch as notice has been published three Sundays successively, in the church of the parish where the said lands lie, that application would be made to this General Assembly, pursuant to the directions of the will of the said William Dandridge, to vest the said tract or parcel of land, called Barbers-Field, alias Barbers-Hills, in the said William Dandridge, the son, and to settle the said four hundred and ninety six acres of land, and the slaves aforesaid, to the same uses, pursuant to your majesty's instructions;

II. May it therefore please your most excellent majesty, at the humble suit of the said Unity Dandridge, and Nathaniel West Dandridge, that it may be enacted, and *Be it enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said tract or parcel of land, called Barbers field, alias Barbers hills, with the appurtenances, as aforesaid, devised by the last will and testament of the said John West, be, and the same is hereby vested in the said William Dandridge, the son, his heirs and assigns, to the only proper use and behoof of the said William Dandridge, his heirs and assigns for ever; and that the said four hundred and ninety six acres of land, so as aforesaid, purchased by the said William Dandridge, the testator, which are commonly called and known by the name of Whitehead's and Underwood's quarters, together with the following slaves, that is to say, Molly, Sarah, Tom, Robin, Jemmy, Billy son of Ogee, Jack the son of negroe Judy, Will Jackson a new negroe, and Sharper, the aforesaid Ben being dead, and also the issue and descendants of the slaves aforesaid, since the death of the said testator William Dandridge, shall be, and the same are hereby vested in the said Nathaniel West Dandridge,

LAWS OF VIRGINIA,

and that the said four hundred and ninety six acres of land, with the appurtenances, and the slaves aforesaid, and the issue and descendants of them, so long as any of them shall be living, shall pass in descent, remainder and reversion, to such person and persons, for such estate and estates, and subject to the like limitations, as the said tract or parcel of land, called Barbers field, alias Barbers hills, is, and stands limited, by the last will and testament of the aforesaid John West.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, all such right, title, estate, interest, claim and demand, other than the persons claiming under the last will and testament of the said John West, as they, every or any of them, could or might claim if this act had never been made.

IV. *Provided always*, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

Signed by ROBERT DINWIDDIE, Esq. Governor,

JOHN ROBINSON, Speaker.

ANNO REGNI

GEORGI II,

Regis, Angliæ, Scotiæ, Franciæ, et
Hiberniæ, vicessimo septimo.

*At a General Assembly, begun and held at
the College in the City of Williamsburg, on Thursday the twenty seventh day of
February, in the twenty fifth year of the
reign of our sovereign lord George II.
by the grace of God, of Great Britain,
France, and Ireland, king, defender of
the faith, &c. and in the year of our
Lord, 1752. And from thence continued
by several prorogations, to Thursday the
first day of November, in the 27th year
of his majesty's reign, and in the year of
our Lord 1753, and then held at the
Capitol in the City of Williamsburg; be-
ing the second session of this Assembly.*

Robert Din-
widdie, esq.
Governor.

CHAP. I.

*An Act for reducing the several laws made
for establishing the General Court, and
for regulating and settling the proceed-
ings therein, into one act of Assembly.*

I. FOR the regular determination of suits and con- Edit. 1769;
troversies, and for erecting, constituting, and contin. p. 292.

uing such courts as shall be competent and necessary to hear and determine all such causes as shall be brought before them;

II. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That at some one certain place, lawfully appointed, and at the time and times herein after directed, there shall be held one principal court of judicature, for this colony and dominion; which court shall be, and is hereby established by the name of the general court of Virginia; and shall consist of his majesty's governor or commander in chief, and council for the time being, any five of them to be a court, and they are hereby appointed and declared judges or justices, to hear and determine all suits and controversies which shall be depending in the said court.

The general court of Virginia. Who shall be judges thereof. Five of them to be a court.

The judges to be sworn.

III. *And be it further enacted by the authority aforesaid,* That every person who shall, from time to time, or at any time hereafter, accept the office of a judge or justice of the said court, before his entering upon, and executing the same, shall take the oaths appointed to be taken by act of parliament, and repeat and subscribe the test, and shall also take the following oaths, to wit:

Their oath as judges of common law.

The Oath of a Judge of the General Court.

You shall swear, that you will well and truly serve our sovereign lord the king, and his people, in the office of a judge or justice of the general court of Virginia, and you shall not counsel, or assent to any thing which may turn to the hurt or disheriting of the king, by any way or colour, and you shall do equal law and execution of right to all the king's subjects, rich and poor, without having regard to any person: You shall not take by yourself, or by any other person, any gift or reward, of gold, silver, or any other thing, for any matter by you done, or to be done, by virtue of your office: You shall not take any fees, or other gratuity, of any person, great or small, except such salary as shall be by law appointed, or such salary as his majesty, his heirs or successors, shall think fit to allow you for your service: You shall not maintain, by yourself, or any other, privily or openly, any plea or quarrel, hanging in any of the king's courts: You shall not delay any person of com-

mon right, for the letters of the king, his governors of this colony, or of any other person, nor for any other cause; and in case any letter come to you, contrary to the law, you shall nothing do for such letter, but you shall proceed to do the law, the said letters notwithstanding; and finally, in all things belonging to your said office, during your continuance therein, you shall faithfully, justly and truly, according to the best of your skill and judgment, do equal and impartial justice without fraud.

So help you God.

The Oath of a Judge of the General Court in Chancery. As judges in Chancery.

You shall swear, that well and truly you will serve our sovereign lord the king, and his people, in the office of a judge or justice of the general court of Virginia, in Chancery, and that you will do equal right to all manner of people, great and small, high and low, rich and poor, according to equity and good conscience, and the laws and usages of this colony and dominion of Virginia, without favour, affection, or partiality.

So help you God.

IV. And if any person whatsoever, shall presume to sit, or execute the said office, without first qualifying himself as by this act required, he shall, for every such offence, be fined five hundred pounds current money, one moiety thereof to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other moiety to the informer.

Penalty for executing this office before sworn in.

V. *And be it further enacted, by the authority aforesaid,* That the said general court shall take cognizance of, and are hereby declared to have power and jurisdiction to hear and determine, all causes, matters, and things whatsoever, relating to, or concerning any person or persons, ecclesiastical or civil, or to any person or things, of what nature soever the same shall be, whether brought before them by original process, appeal from any inferior court, or by any other ways or means whatsoever.

Jurisdiction of this court.

VI. *Provided always,* That no person shall take original process, for the trial of any thing in the general court, of less value than ten pounds sterling, or two thousand pounds of tobacco, on penalty of having such suit dismissed, and the plaintiff being non-suited, and paying costs of suit.

No original process nor suit on penal laws, for less than 10l. ster. or 2000l. tob.

Except
against coun-
ty courts or
vestries.

VII. *Provided also,* That any action may be commenced and maintained in the general court, by, or against the justices of any county court, or other inferior court, or the vestry of any parish, although the sum sued for shall not exceed ten pounds, or two thousand pounds of tobacco.

General
court to be
held twice a
year.

VIII. *And be it further enacted by the authority aforesaid,* That the said general court shall be held two times every year, to wit, one of the said courts shall begin upon the tenth day of April, if not Sunday, and then on the Monday thereafter, and shall continue to be held twenty four natural days, Sundays exclusive; and the other court shall begin upon the tenth day of October, if not Sunday, and then on the Monday thereafter, and shall also be held and continue twenty four natural days, Sundays exclusive.

Rules of
court for
docketing
causes.

IX. And that the first five days of every general court be appointed for hearing and determining suits in chancery, appeals from decrees of the county courts, or other inferior courts, in chancery, and writs of supersedeas to such decrees, and that the other days be appointed for trying suits or prosecutions on behalf of his majesty, and all other matters depending in the said court.

X. And that before every general court the clerk shall enter, in a particular docket for that purpose, all such causes, and those only, in which any issue is to be tried, writ of enquiry to be executed, special verdict, case agreed, or demurrer to be argued, and all causes set down for hearing, or argument in chancery, in the same order as they stand in course of proceedings, setting, as near as may be, an equal number of such causes to each day.

Court may
adjourn.

XI. *Provided always,* That if the business of the said court should be ended in less time than the days herein before appointed for the judges or justices to sit, it shall be lawful for them to adjourn to the next succeeding general court.

Rules of issu-
ing and re-
turns of pro-
cess.

XII. And for the more regular prosecution and determination of suits, or other processes in the said court, *Be it further enacted by the authority aforesaid,* That all original process, either by writ, summons, or any other manner or means, and all subsequent process thereupon, to bring any person or persons whatsoever, to answer in any action, real, personal, or mixed, suit, information, bill, or plaint, in the general court,

and all attachments awarded by the said court at the common law; and all subpoenas, and other process in chancery, shall be sued out, and issued from the secretary's office, returnable on the respective days herein after directed, and shall bear teste by the governor or commander in chief for the time being, and be signed by the clerk of the said court, and may be executed at any time before the day of the return thereof; and all such writs and process shall be returnable to the next succeeding general court, on the several days following, to wit, all writs and other process at the common law, shall be returnable to the eighth or twenty third day of the next general court; subpoenas, and all other process in chancery, to the first, or twenty third day; process at the suit of his majesty, on criminal prosecutions, to the sixth day; process on petitions for lapsed land, to the seventh day; and on no other days or times whatsoever: And all such writs or process which shall be made returnable on any other days or times, shall be null and void; and if any writ or process shall be executed so late, that the sheriff hath not reasonable time to return the same, before the day of appearance herein after limited, and thereupon an alias or pluries capias, attachment, or other process shall be awarded, the sheriff shall not execute such subsequent process, but shall return the first process by him executed, and thereupon the plaintiff shall declare and use the same proceedings, as herein after directed, and as if such writ or process had been returned to the secretary's office, on or before the day of appearance, limited for the return thereof.

XIII. And that all appeals from decrees in chance- Appeals:
ry, obtained in any county court, or other inferior court, shall be made to the third day of the next general court; and all appeals from judgments of any of the said courts in suits at common law, shall be to the respective days following, to wit, from the county courts of Henrico, Chesterfield, Prince-George, Dinwiddie, Surry, Isle of Wight, Southampton, Nansemond, Norfolk, Princess-Ann, Albemarle, Amelia, Brunswick, Goochland, Cumberland, Halifax, and Lunenburg, to the eighth day; James-City, Charles City, New-Kent, Warwick, Elizabeth-City, York, Hanover, and Louisa, to the ninth day; Gloucester, King-William, King and Queen, Middlesex, Essex,

R R—VOL. 6.

Caroline, Augusta, Spotsylvania, and Orange, to the tenth day; Richmond, Westmoreland, Northumberland, Stafford, Lancaster, Fairfax, Frederick, King-George, Culpeper, and Prince-William, to the eleventh day; Accomack, and Northampton to the twelfth day of the next succeeding general court, and no appeal shall be admitted on any other day: Appeals from such judgments of any corporation court, shall be to the same day as appeals from the county wherein such corporation is; and that all writs of error, superseas, and *Certiorari*, shall be returnable to the same days respectively, as appeals from judgments at the court of that county to which such writ or writs shall be directed; and the clerk of the court is hereby required to regulate the docket accordingly, proportioning the suits and causes to such of the said days, as will be most convenient.

Writs of error. Superseas. *Certiorari*.

Process against a Councillor.

XIV. *And be it further enacted, by the authority aforesaid,* That if any action, or other process, shall be commenced and prosecuted against any person, being a member of his majesty's council of state, within this dominion, then instead of other process, which might be legally taken in like case against any other person, the clerk of the general court shall issue a summons, directed to the sheriff of the county where such councillor usually resides, reciting the matter or cause charged against him, and summoning him to appear and answer the same, upon such a certain day of the next general court, as shall be therein mentioned; and if such councillor shall not appear at the day, according to such summons, it shall be lawful for the court to award an attachment against the estate of such councillor, so failing to appear, and thereafter the proceedings in such cases, shall be in the same manner as upon the sheriff's returning *non est inventus*, upon any ordinary process; and in like manner process against the sheriff of any county, shall be issued and directed to any coroner of the county where such sheriff resides, and thereupon the like proceedings shall be had against him, as are herein before directed, concerning a councillor: And if any councillor, or sheriff, shall fail to answer process in chancery one or more *distringas* shall thereupon issue, to compel such defendant to answer.

Or a sheriff.

XV. *And be it further enacted, by the authority aforesaid,* That when any writ shall issue whereby the

sheriff is commanded to take the body of any person or persons, to answer unto any plaintiff or plaintiffs, in the general court, in any personal action, and no debt or damages shall be mentioned in such writ, or if bail shall not be by law requirable; in every or any such case, the sheriff to whom such writ shall be directed, may take the engagement of any attorney, practising in the general court, under his hand, endorsed upon such writ, that he will appear, or cause an appearance to be entered for the defendant, or defendants, within named, according to the return of the said writ: And such appearance shall be accordingly entered with the clerk of the court, in the secretary's office; on the second day after the end of the general court, to which such process shall be returnable; which said second day after the end of every general court, shall be accounted, deemed, and taken, and is hereby declared to be the day of appearance, to all process at the common law, or in chancery, returnable to any day of the court next preceeding; and if any attorney, or other person practising as an attorney, so engaging to enter, or cause an appearance to be entered, shall fail so to do, he shall forfeit and pay to the plaintiff or plaintiffs, fifty shillings current money, for which judgment shall be immediately entered, and the plaintiff may take execution thereupon, by *Capias ad Satisfaciendum*, or *Fieri Facias*.

Appearance in personal actions, where no bail is required.

Attorney engaging to appear and failing forfeits 50s.

XVI. And be it further enacted, by the authority aforesaid, That upon executing any process, whereupon bail shall be requirable, the sheriff shall return therewith the names of the bail by him taken, and a copy of the bail bond, to the secretary's office, before the day of appearance; and if the defendant shall fail to appear accordingly, or shall not give special bail, being ruled thereto by the court, the bail so returned shall be subject to the same judgment, and recovery, and have the same liberty of defence, as the defendant might have, or be subject to, if he had appeared, and given special bail; and if the sheriff shall not return bail, and a copy of the bail-bond, or the bail so returned shall be judged insufficient by the court, or the defendant shall fail to give special bail, being ruled thereto by the court, then judgment shall be given against the sheriff, in the same manner, and with the same condition, as against the bail: And if the sheriff depart this life, before judgment be confirmed

Where bail shall be requirable.

In what case the bail, or sheriff shall be liable.

against him, in such case it shall be lawful to confirm such judgment against the executors, or administrators, of such sheriff; and if there shall not be any probat or administration granted, then it shall be lawful to confirm the judgment against the estate of such deceased sheriff; and a writ of *Fieri Facias* shall and may issue, to seise and levy so much of his goods and chattels, as will satisfy the judgment, and every part thereof.

Sheriff's remedy where the bail is judged insufficient.

XVII. *Provided always*, That the plaintiff shall object to the sufficiency of the bail, during the sitting of the general court, to which the writ is returnable, and at no time after; and no judgment shall be entered against the sheriff, where bail is returned, unless such bail shall be adjudged insufficient by the judges of the general court, at the time aforesaid; and where the bail shall be adjudged insufficient, and judgment shall be given against the defendant and sheriff, the sheriff shall have the same remedy against the estate of such bail, as he may have against the defendant's estate.

Where judgment against defendant and sheriff or bail, may be set aside.

XVIII. *Provided also*, That every interlocutory or final judgment, against any defendant and the sheriff, or against any defendant and the bail, returned by the sheriff, entered or obtained before any general court, next ensuing the return of the writ upon which such defendant was arrested, shall be set aside, if the defendant upon the eighth day of the court next ensuing the return, as aforesaid, shall be allowed to appear without bail, or shall put in good bail, and plead to issue immediately.

Remedy for sheriff or bail where judgment is confirmed against them

XIX. *And be it further enacted by the authority aforesaid*, That in every case, where judgment shall be confirmed against any defendant or defendants, and the bail, or against any defendant or defendants, and the sheriff, or against his executors or administrators, or against his estate, as aforesaid, it shall and may be lawful for the court, where such judgment shall be confirmed, upon motion of such bail or sheriff, or his executors or administrators, or of any other person, on his or their behalf, to order an attachment against the estate of such defendant or defendants, or so much thereof as shall be sufficient to satisfy such judgment and costs, and all other costs and charges concerning the same; which attachment shall be returnable to the next succeeding court, and thereupon such estate shall

by the court be condemned, for satisfaction of the judgment, costs, and charges aforesaid, and shall be sold as goods taken in execution, by fieri facias; and out of the money arising by such sale, so much as shall be sufficient shall be paid to the bail, or sheriff, or his executors or administrators, to his and their own proper use, and the remainder, if any, after charges deducted, to the person from whom the same was attached, or his, her, or their attorney, or agent, when required.

XX. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful to and for any judge or justice of the general court, and every such judge or justice is hereby authorized and empowered, when the said court is not sitting, to take a recognizance of bail in any action in the said court depending, which shall be taken *de bene esse*; and if the plaintiff or his attorney shall except to the sufficiency, of the bail so taken, notice of such exception shall be given to the defendant, or his attorney, at least ten days before the next succeeding general court, and if the bail so taken shall be judged insufficient by the court, the recognizance thereof shall be discharged, and such proceedings shall or may be had against the defendant or defendants, as if no such bail had been taken; but if such bail shall be judged sufficient, or shall not be excepted to within the time aforesaid, then the same shall stand and be chargeable to all intents and purposes, as if the recognizance had been taken in court: And every person becoming special bail for any defendant or defendants, shall be liable to the judgment given against him, her, or them, unless he render the defendant's body in execution, in discharge of his bail.

Any judge of the general court may take recognizance of bail, when the court is not setting. But may be excepted to.

Were special bail liable.

XXI. *Provided always,* That no special bail shall be requirable in any suit brought upon a penal law, unless by such law bail shall expressly be directed.

No special bail in suits upon penal laws, except expressly by the law required. Rules in returns of writs and appearance in custody.

XXII. *And be it further enacted by the authority aforesaid,* That when any sheriff shall return, that he hath taken the body of any defendant, and committed him to prison, for want of bail, the plaintiff may proceed, and the defendant shall have liberty to make defence, as where an appearance shall be entered and accepted: nevertheless, such defendant shall not be discharged out of custody, unless the plaintiff be ruled to accept an appearance, at the next succeeding general

court, or by putting in good bail. And that where any defendant, after appearance entered, shall be in custody of the public prison for debtors, the plaintiff may file his declaration, and give a rule to plead, but shall deliver a copy of such declaration and rule to the defendant, or his attorney, one month at least before expiration of the rule; and if thereupon, and oath of the delivery of such copy, made before one of the judges of the general court, such defendant shall fail to enter his plea, before the rule be out, the plaintiff may have judgment, in the same manner, as is herein after directed upon failing to plead in any civil action.

Where the defendant is not found.

XXIII. And for the better ascertaining what process shall or may be sued out, where the sheriff returns, that the defendant is not to be found in his bailiwick, *It is hereby further enacted*, That where any sheriff shall make such return, the plaintiff or plaintiffs, in any civil action, shall and may sue out an attachment against the estate of such defendant, returnable as herein before is directed for the returns of original and other subsequent process thereupon, to force an appearance, or an alias, or pluries capias, if the defendant cannot be arrested upon the alias capias, or a testatum capias, where the defendant shall be removed into another county, 'til such defendant shall be arrested, at the election of the plaintiff or plaintiffs; and if the sheriff shall return any goods by him attached, the plaintiff shall file his declaration, and be entitled to a judgment for his whole debt, and the goods so attached shall remain in custody of the sheriff, 'til such judgment obtained, and then be sold and disposed of, in the same manner as goods taken in execution upon a writ of fieri facias; and if the judgment shall not be satisfied by the goods attached, the plaintiff may have an execution for the residue: *Provided always*, That all goods so attached shall and may be replevied, by appearance and putting in good bail, if the defendant shall be ruled by the court to give special bail. And that where the plaintiff will proceed to the outlawry of any defendant, in any civil action, he may upon the pluries capias, or capias ad satisfaciendum, returned non est inventus, sue out, and the clerk of the general court is hereby empowered and required, upon request, to issue, an exigent and proclamation, returnable upon either of the returns

Outlawry; in civil actions.

days aforesaid, to the end that such defendant may be outlawed thereupon.

XXIV. And for the more speedy determination of all causes depending in the said court, *Be it further enacted, by the authority aforesaid,* That these following rules and methods shall be observed, to wit, that in all personal actions the plaintiff shall file his declaration, within one month after the defendant shall have entered his appearance with the clerk in the secretary's office, and if the plaintiff shall fail or neglect so to do, or if any plaintiff or demandant fails to appear and prosecute his suit, he shall be nonsuit. Rules in personal actions at the common law.

That where any nonsuit shall be awarded, there shall be paid for the same, to every defendant or tenant, one hundred and fifty pounds of tobacco, and costs, where the defendant's or tenant's place of abode is at the distance of twenty miles, or less, from the place of holding the general court; and where it is more, five pounds of tobacco for every mile above twenty. Nonsuit.

When the defendant has entered his appearance, and the plaintiff files his declaration, he may give a rule to plead with the clerk of the court in the secretary's office, which shall be out in one calender month after such rule given. Pleadings.

That all rules to plead, reply, rejoin, or for further or other proceedings, shall be given regularly, from month to month, after the first rule for pleading is expired, and shall not be out in less time than one calender month, nor shall any rule be given between month and month, to the intent that all attornies and others, by inspecting the rule book to be kept by the clerk of the court, may be more certainly and readily informed what proceedings have been, or are to be, in the several causes there depending.

That upon the expiration of any rule, judgment by default, or a non-suit, shall be signed by the clerk in the office, as of the preceeding court, which judgment shall be final in actions of debt, where the debt is certain, and in other actions a writ of inquiry shall be executed, the next court after judgment signed in the office, the plaintiff's attorney giving the defendant or his attorney six days notice of the execution thereof, if the defendant lives within twenty miles of the place where the general court shall be held, and if more than that distance, twelve days notice. Judgment by default, or non-suit.
Writ of inquiry.

Trial.

That no issue shall be tried the next succeeding general court after it is joined, unless ten days notice be given by the plaintiff's attorney to the defendant, or his attorney, before the day of trial, if the defendant lives within twenty miles as aforesaid, but if he lives at greater distance, then twenty days notice shall be given.

If an issue be not tried, or writ of inquiry executed the next court after it is joined, or judgment by default, or interlocutory judgment entered, no notice of trial, or executing such writ, need to be given; but such causes shall be called in the same order as they stand on the docket.

Final judgment and lawyer's fee.

That when any final judgment shall be obtained out of court, the clerk shall allow a lawyers fee in the bill of costs, if the plaintiff employed one; which fee is hereby declared in all cases in the general court, to be fifty shillings current money, or five hundred pounds of tobacco, at the election of the party adjudged to pay the same; but no such fees shall be taxed against executors or administrators.

Special verdict, or case agreed.

That where a special verdict shall be found, or case agreed, time shall be allowed, upon the motion of either party, to the next general court to argue it; and if any causes shall, at the end of the court, remain undetermined, they shall be continued of course, by the clerk to the next succeeding court, without calling the same in court.

Plea in abatement.

That where a plea in abatement shall be pleaded, in any action, and upon argument the same shall be judged insufficient, the plaintiff or plaintiffs, in such action, shall recover against the defendant or defendants, full costs to the time of over ruling such plea, including the costs of that court in which such plea shall be over ruled, (a lawyer's fee only excepted;) and that no plea in abatement, or of non est factum, shall be admitted or received, unless the party offering the same, shall, by affidavit, prove the truth thereof; and that the plaintiff in replevin, or the defendant in any other action, may plead as many several matters as he shall think necessary for his defence, so as they be not admitted to plead and demur to the whole.

Non est factum.

Replevin.

Fines on county courts or vestries.

That in all cases where a fine is laid on the justices of any county court, or the vestry of any parish, one action may be brought against them all jointly.

That for the more entire and better preservation of the records of the court, when any cause shall be finally determined, the clerk shall enter all the pleadings therein, and other matters relating thereto, together in a book to be kept for that purpose, so that an entire and perfect record may be made thereof; and where the title of any estate in land is determined, the pleadings shall be all in writing, and shall be entered at large, with the judgment thereupon, in particular books for that purpose. Records of causes.

That for prevention of errors in entering up the judgments of the court, the proceedings of every day shall be drawn at large, by the clerk, against the next sitting of the court, when the same shall be read in open court, and such corrections as are necessary made therein, and then the same shall be signed by the secretary of this dominion, for the time being, or his deputy, and carefully preserved among the records.

That in all cases where witnesses are to appear before the general court, a summons shall be issued by the clerk, expressly mentioning the day and place, when and where the witness shall appear, the names of the parties to the suit, wherein they are to give evidence, and on whose behalf they are summoned. Rules for witnesses.

That where any witness shall be departing this colony, or by age, sickness, or other legal disability, is rendered incapable of attending the court, the party requiring such witness's testimony, may obtain certificate of such departure or disability, under the hand of one or more justice or justices of the peace, of the county where such witness lives, which being produced to any two of the judges of the general court, they may, at any time, upon request of either party, order such witness's deposition to be taken, at such time and place, and before such persons, as they shall think proper; or where the court shall be satisfied of the disability of any witness to attend, they may grant such order if they think fit, and thereupon commissions to examine such witnesses, shall be issued by the clerk; but the party obtaining the same shall give reasonable notice, of the time and place of executing such commission, to the other party, otherwise the depositions taken shall be void. Examinations of such as cannot attend the court.

That if any person whatsoever, summoned as a witness, upon his or her appearance before the court, or persons commissioned as aforesaid, to examine and Refusal to give evidence.

take his or her deposition, shall refuse to give evidence, upon oath, or being one of the people called quakers, solemnly to affirm and declare, to the best of his or her knowledge, every person so refusing shall be committed to the common goal, there to remain without bail or mainprize, until he or she shall give such evidence.

**Recusant
convict dis-
abled to be a
witness.**

That popish recusants convict, shall be incapable to be witnesses in any cause whatsoever.

**Persons sum-
moned fail-
ing to attend.**

That if any person summoned to attend the general court, as a witness, shall fail to attend accordingly, he or she so failing, shall be fined by the said court, one thousand pounds of tobacco, to be paid to the party for whom such witness was summoned, and shall be further liable to the action of such party, at the common law, for his or her damages: but if at the time such witness ought to have appeared, or at the next succeeding court, sufficient cause of his or her inability to attend be shewn to the court, then no fine or forfeiture shall be incurred by such failure.

**Witness's
privilege.**

That during the attendance of any witness at the general court, and coming to, and returning from thence, allowing one natural day for every twenty miles such witnesses place of abode shall be distant from the same, no person or persons whatsoever, shall serve or execute, or cause to be served or executed upon any witness, coming to, attending, or returning from the said court, any writ or process whatsoever; and if any such be served, or executed, the same shall be void to all intents and purposes.

**Their allow-
ance.**

That every witness attending upon summons shall be paid by the party at whose suit the summons is issued, one pound of tobacco and an half, per mile, for coming to the place where he or she was summoned to appear, and the same for returning, besides ferriages, and sixty pounds of tobacco, per day, for attendance, until he or she shall be discharged.

That all witnesses attending the general court, shall claim their allowance by the clerk in the office, and not in court, unless refused by the clerk, and then the witness may apply to the court for allowance thereof.

That in any bill of costs there shall not be allowed the charge of more than three witnesses to the proof of any one particular matter of fact.

XXV. And to the intent that erroneous proceedings and judgments of the inferior courts of record of

this dominion may be corrected and amended, *Be it further enacted, by the authority aforesaid,* That where any person or persons, bodies politic or corporate, shall at any time be aggrieved by the judgment, decree, or sentence, of any other court of record of this colony, in any action or suit whatsoever, where the debt or damages, or other matter recovered in such action or suit, exclusive of the costs, shall exceed ten pounds current money, or two thousand pounds of tobacco, or the value thereof, or where the title or bounds of lands shall be drawn in question, it shall be lawful for such party or parties to enter an appeal from such judgment, decree, or sentence, to the general court, and to assign error in manner following, and not otherwise: that is to say, upon an appeal in any personal action or suit, where the judgment or decree shall not exceed twenty pounds current money, or four thousand pounds of tobacco, the appellant shall assign error in matter of right only; and if upon a hearing in the general court, such judgment or decree, shall appear to be according to the right of the cause, the same shall be affirmed, notwithstanding any mispleading, or error in matter of form.

Rules in ap-
peals.

And where the judgment or decree, shall be for more than the sums last mentioned, and not exceed fifty pounds current money, or ten thousand pounds of tobacco, the appellant may assign error in matter of right, and such errors in the form or manner of the proceedings, as were insisted upon in the court from whence such appeal shall be made; and if such errors shall not appear sufficient to reverse the judgment or decree, the same shall be affirmed.

And in all personal actions, suits in chancery, informations, or other controversies of greater value than fifty pounds current money, or ten thousand pounds of tobacco, and in all real actions, of what value soever, the appellant may assign any errors of form or substance.

And that for prevention of delay by arresting judgments, and vexatious appeals, the several acts of parliament, commonly called the statutes of Jeofails, now in force and use in England, shall be, and are hereby declared to be, for so much thereof as relates to any impleading, jeofail, and amendment, in full force in this dominion also.

Statutes of
jeofails, de-
clared in
force.

Damages upon appeals.

That where the defendant in any personal or mixed action, or suit, shall appeal, and upon trial the judgment or decree is affirmed, the damages shall be fifteen per cent. upon the principal sum and costs, recovered in the county or inferior court.

And in any real action, the damage shall be two thousand pounds of tobacco, over and above all costs, charges, and damages, awarded by the inferior court.

And where the plaintiff or demandant appeals, and the judgment or decree shall be affirmed, such appellant shall pay to the appellee, fifty shillings, or five hundred pounds of tobacco, besides all costs accruing on such appeal.

No appeal, or superse-
deas to be
granted in
any cause,
under 10l.
current mo-
ney, or 2000l
tobacco, ex-
clusive of
costs. Ex-
cept where
the title or
bounds of
land is ques-
tioned.
Nor before a
final judg-
ment or de-
cree.
Method of
suing forth
writs of er-
ror, and su-
persedeas.

And that no appeal shall be valid, nor any writ of superse-
deas, granted or allowed, for reversing any
judgment or decree of any county court, or other in-
ferior court, in any action or suit whatsoever, where
the debt, damage, or other matter recovered, shall be
of less value than the aforesaid sum of ten pounds
current money, or two thousand pounds of tobacco,
exclusive of costs, unless in such suit the title or bounds
of lands shall be in question: nor shall any appeal,
writ of error, or superse-
deas, be granted or allowed
until a final judgment or decree shall be given in the
county court, or other inferior court.

XXVI. And to the end that all writs of superse-
deas, may be regularly obtained and issued, *Be it fur-*
ther enacted, by the authority aforesaid, That the party
praying such writ or writs, shall petition the govern-
or or commander in chief, for the time being, and the
rest of the judges of the general court, and assign er-
ror, and some attorney, practising in the general
court, shall certify under his hand, that in his opin-
ion sufficient matter of error is set forth, or shewn,
by the petitioner; and thereupon the governor or com-
mander in chief, and two other of the judges, may or-
der such writ or writs to be issued, by the clerk of the
general court, or may reject the petition, as they think
fit; and upon granting any such writ or writs, and
before issuing thereof by the clerk, such petitioner
shall give bond and security in the secretary's office:
which bonds shall be under the like penalties and con-
ditions, and the parties subject to payment of the like
damages and costs, as in cases of appeal.

Judgment.

And if upon trial of any appeal, writ of error, or
superse-
deas, the judgment or decree of any county

court, or other inferior court, shall be reversed, the general court shall enter such judgment, or make such decree thereupon, as should have been entered or made in the inferior court.

XXVII. *Provided always*, That no writ of error to a judgment, obtained in any county or other inferior court in this colony, shall be granted or sued out of the secretary's office but with leave of the general court on a motion for that purpose, and on giving bond and security in the same manner as is herein directed, on suing out a writ of supersedeas.

XXVIII. *Provided also*, That ten days notice be given to the adverse party of such motion.

XXIX. And for settling a method of obtaining writs of certiorari, to remove civil causes from the county courts, or other inferior courts, into the general court, *Be it further enacted, by the authority aforesaid*, That the party desiring such writ or writs, when the general court is not sitting, shall, by petition to the governor, or commander in chief, for the time being, and the rest of the judges of the general court, set forth the reasons of his desiring such writ or writs, and shall make oath, before a magistrate, to the truth of the allegations of his petition; and then the governor and any other two of the judges may, under their hands, order and award such writ or writs to the party praying the same, or may refuse such writ or writs, according as the matter shall appear to them just and necessary, or not: And the clerk of the secretary's office shall carefully file such petition and affidavit in the office, and shall also take bond from the petitioner, in such penalty as shall be directed by the governor and judges ordering and awarding such writ or writs, and with one or more sufficient security or securities, for satisfying and paying all such sum and sums of money, or tobacco, and costs, as shall be adjudged to the adverse party, in the cause or causes so to be removed; and thereupon the clerk shall, and may issue such writ or writs, but not otherwise.

Certiorari,
how to be
sued forth.

And if any person making oath to the truth of the allegations of his petition, as aforesaid, shall take a false oath, and be thereof convicted, he shall be adjudged guilty of perjury, and suffer as a person convicted of wilful and corrupt perjury: *Provided always*, That the prosecution of such offence be commenced within twelve months after the offence committed.

Punishment
of the party
taking a false
oath.

This writ shall not be granted in any matter not originally cognizable in the general court: causes remanded, shall not be removed before judgment.

And that no writ or writs of certiorari whatsoever shall be granted where the matter in dispute shall not be originally cognizable in the general court: And if any cause or causes be removed, or stayed, by any such writ or writs, and afterwards the same cause or causes shall be remanded or sent back again, by any writ of procedendo, or other writ whatsoever, such cause or causes shall never afterwards be removed or stayed before judgment, by any writ or writs whatsoever; to be sued forth from the general court or secretary's office.

Notice to the adverse party.

And to prevent the obtaining any writ of certiorari, by surprize, the party praying such writ, in any civil cause, shall give notice to the adverse party, of the time of his moving or petitioning for such writ, at least ten days before such motion or petition; and no such writ shall at any time be granted without producing an affidavit of such notice.

Habeas Corpus.

XXX. And be it further enacted by the authority aforesaid, That where any person shall be committed, in any civil action, to the goal of any county or corporation, for any cause or matter cognizable in the general court, it shall and may be lawful for such person to sue out an habeas corpus cum causa, to remove his or her body to the public general court prison, and the cause of such commitment into the general court; and the clerk of the secretary's office, is hereby authorised and required, upon the application of any such prisoner, to issue such writ accordingly.

Insolvent debtors how they may be discharged.

XXXI. And for relief of insolvent debtors, who shall be taken or committed in execution on judgments obtained in the general court, Be it further enacted, by the authority aforesaid, That when any person or persons now is, are, or hereafter shall be committed to the public prison, for debtors in execution, in any suit commenced or prosecuted in the general court of this colony, and shall have remained in prison by the space of twenty days, it shall be lawful for any judge or judges of the said court, by a warrant under his or their hands and seals, to command the goaler or keeper of the said prison to bring before the judges of the said court, if sitting, or if not, before any two judges of the said court, at a certain time and place therein to be appointed, the body or bodies of such person or persons so in prison as aforesaid, together with a list of the several executions with which he, she, or they,

is or are charged in the said goal, which warrant such goaler is hereby required to obey, and notice thereof shall be given to the party or parties, his or their executors, administrators, or agents, at whose suits such prisoner or prisoners is, are, or shall be in execution; and every such prisoner coming before the said court or judges, as the case shall be, shall subscribe and deliver in a schedule of his whole estate, and take the same oath as is prescribed by the act of General Assembly, made in the twenty-second year of his present majesty's reign, intituled, An act declaring the law concerning executions, and for relief of insolvent debtors; which schedule being so subscribed, is to remain with the clerk of the general court, for the better information of the creditors of such prisoner or prisoners:

XXXII. *And be it further enacted, by the authority aforesaid,* That all the estate contained in such schedule, for such use, interest, right, or title, as such prisoner or prisoners hath or shall have in the same, and which he, she or they may lawfully depart withal, shall be vested in the sheriff or sheriffs of the county or counties wherein such estate shall lie or be found, to whom the clerk of the general court shall transmit a copy or copies of such schedule; and such sheriff or sheriffs respectively is, and are hereby required, to sell and convey the same estate to any person or persons, for the best price that can be got for the same; and to return accounts of such sales to the clerk of the general court, and pay the money arising thereby to the said clerk, to be by him paid to the creditor or creditors in proportion to the amount of their debts, at whose suit such prisoner or prisoners is, or shall be imprisoned: saving to every such prisoner or prisoners his, her, or their necessary apparel and utensils of trade; and after delivering in such schedule, and taking such oath, such prisoner or prisoners shall be discharged, by warrant from the said court or judges, and the goaler indemnified, in the same manner as by the said herein before mentioned act of Assembly is directed, in case of insolvent debtors discharged by a county court.

How their effects to be disposed of.

XXXIII. *And be it further enacted by the authority aforesaid,* That when any person or persons shall be taken in execution, on process issuing out of the general court, and shall be committed to the goal of any county in this colony, the same method shall be pur-

Persons in execution issued out of the general court, may be discharged.

ed, pursuing the same method as in the county court. sued for the discharge of such prisoner or prisoners, as if he, she, or they had been committed on an execution issued out of the county court, except that the sheriff of such county after selling the estate of such prisoner or prisoners, shall return an account of sales, and the money arising thereby, to the clerk of the general court, to be disposed of as is herein before mentioned; and the clerk of the county court shall certify, and transmit, to the clerk of the general court, within one month after such discharge, a true copy of all the proceedings in the court, which shall remain in the secretary's office, with the other papers in the said suit.

XXXIV. *Provided always,* That notwithstanding such discharge, it shall be lawful for any creditor or creditors, at whose suit such insolvent prisoner was imprisoned at any time afterwards, to sue out a writ of scire facias, to have execution against any lands or tenements, goods or chattels, which such insolvent person shall thereafter acquire, or be possessed of.

Penalty on officers for neglect of duty.

XXXV. *And be it further enacted, by the authority aforesaid,* That if any sheriff, or other officer, shall fail or neglect to return any writ of execution delivered to such sheriff or officer to execute, to the office from whence the same shall issue, at or before the day of the return thereof, such sheriff or officer shall be fined by the next succeeding general court, or county court, if such execution shall be issued upon a judgment obtained therein, at the discretion of such court, not exceeding ten pounds current money; which fine shall be to the use of the creditor or creditors at whose suit such execution shall have issued: *Provided* the sheriff or officer have ten days previous notice of the motion for judgment for such fine: And such sheriff or officer shall, moreover, be liable to the action given, and the penalty inflicted, for the not returning such writ, by an act of Assembly, made in the twenty second year of his present majesty's reign, intituled, An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein.

Penalty on officer for not paying money levied on execution.

XXXVI. *And be it further enacted, by the authority aforesaid,* That if any sheriff or other officer shall make return, upon any writ of fieri facias, or venditioni exponas, that he hath levied the debt, damages, and costs, as in such writ is required, or any part

thereof, and shall not immediately pay the same to the party to whom the same is payable, or his attorney, or shall return, upon any writ of *capias ad satisfaciendum*, or attachment for not performing a decree in chancery, for payment of any sum of money, or tobacco: that he hath taken the body or bodies of the defendant, or defendants, and hath the same ready to satisfy the money and tobacco in such writ mentioned, and shall have actually received such money or tobacco, of the defendant or defendants, or have suffered him, her or them, to escape, with the consent of such sheriff, or officer, and shall not immediately pay such money, or tobacco, to the party to whom the same is payable, or his attorney; that then, or in either of the said cases, it shall and may be lawful for the creditor, at whose suit such writ of *fieri facias*, *venditioni exponas*, *capias ad satisfaciendum*, or attachment, shall issue, upon a motion made in the next succeeding general court, or court of the county from whence such writ shall issue, to demand judgment against such sheriff or officer, for the money or tobacco mentioned in such writ, or so much as shall be returned, levied on such writs of *fieri facias*, or *venditioni exponas*. and such court is hereby authorized and required to give judgment accordingly, and to award execution thereupon: provided such sheriff, or officer, have ten days previous notice of such motion.

XXXVII. *And be it further enacted, by the authority aforesaid*, That where any sheriff shall have taken the body of any debtor in execution, and shall wilfully or negligently suffer such debtor to escape, and such sheriff or the person suing out such execution shall die before a recovery can be had against such sheriff for such escape, the person suing out such execution, his executors, or administrators, shall and may have and maintain an action of debt against such sheriff, his executors, or administrators, for the recovery of all such sums of money, and tobacco, as are mentioned in the said execution, and damages for detaining the same: any law, custom, or usage, to the contrary notwithstanding.

Sheriff, his
executors,
&c. liable for
an escape,
&c.

XXXVIII. *And for settling the method of, and expediting proceedings in the general court, in chancery*, *Be it further enacted, by the authority aforesaid*, That in all such suits the following rules and methods

Rules in
chancery

shall be put in practice, and observed, *to wit*, That the complainant shall file his bill within four days after the day of appearance: That upon the complainant's dismissing his bill, or the defendant's dismissing the same for want of prosecution, the complainant shall pay costs, to be taxed by the clerk of the court, for which costs, a subpoena, or other process of contempt may issue, returnable on any return day.

The complainant may amend his bill before the defendant appears, or in a small matter afterwards, without paying costs; but if he amend after appearance, and in a material point, whereby the defendant shall be put to any extraordinary costs, such costs shall be paid before the complainant shall be at liberty to amend his bill.

If any defendant shall not appear upon attachment returned, executed, or being brought into court upon any such process, shall obstinately refuse to answer, the complainant's bill shall be taken *pro confesso*, and the matter thereof decreed accordingly.

The defendant shall put in his answer, to be filed with the clerk in the office, within three months after his appearance, and bill filed, at the expiration of which time, if no answer shall be put in, the clerk upon request shall issue an attachment, returnable to the next court; and if no answer shall be put in upon the return of such attachment executed, the complainant's bill shall be taken *pro confesso*, and the matter thereof decreed: And if the attachment be returned, not executed, such further process of contempt may issue, as is issuable out of the high court of chancery in England, in like cases.

No process of contempt shall issue without oath made of the service of the subpoena, unless the same shall be returned served by a sworn officer.

Every defendant shall be at liberty to swear to his answer, before any judge or justice of the general court, or before any justice of peace.

When any cross bill shall be preferred, the defendant or defendants in the first bill shall answer thereto, before the defendant or defendants in the second bill shall be compellable to put in his or their answer to such cross bill.

The complainant shall reply, or file exceptions, within two months after the defendant shall have put in his answer: And if the complainant, at the expira-

tion of that time, shall neither reply nor file exceptions, the defendant may give the complainant a rule to reply, with the clerk of the court, in the secretary's office; which being expired, and no replication, or exceptions filed, the suit shall be dismissed with costs.

If the complainant's attorney do except against the answer of any defendant, or defendants, as insufficient, he may file his exceptions, and give a rule with the clerk in the office, to make a better answer within two months; and if, before the expiration of such rule, the defendant shall put in a sufficient answer, the same shall be received without costs; but if the defendant or defendants insist on the sufficiency of the answer, or neglect or refuse to put in a sufficient answer, or shall put in another insufficient answer, the plaintiff may set down his exceptions, to be argued the next succeeding general court; and after the expiration of such rule, or any second insufficient answer put in, no further or other answer shall be received, but upon payment of costs.

If any bill shall be dismissed for want of a replication, or other proceedings, the court, if they see cause, may order the same to be retained, upon motion and payment of costs.

And if upon argument the complainant's exceptions shall be over ruled, or the defendant's answer adjudged insufficient, the complainant shall pay to the defendant, or the defendant to the complainant, as the case shall be, such costs as shall be allowed by the court.

Upon a second answer adjudged insufficient, costs shall be doubled.

If any defendant shall put in a third insufficient answer, which shall be so adjudged, such defendant shall be examined upon interrogatories, and committed, 'til he shall perfectly answer those interrogatories, and pay costs.

Upon adjudging any answer insufficient, the complainant may have one subpoena for costs, and another to make a better answer, or one subpoena for costs, and to make a better answer, at his election.

If the defendant after process of contempt, put in an insufficient answer, which shall be so adjudged, the complainant shall not be obliged to take out a new subpoena but may go on to the attachment with proclamation, and other process of contempt, as if no answer had been put in.

LAWS OF VIRGINIA,

That rules to plead, reply, rejoin, and for further proceedings, when necessary, shall be given from month to month, as is herein before directed for rules in proceedings at the common law.

No defendant shall be admitted to put in a rejoinder, unless it be filed within four days after the expiration of the rule to rejoin, but the complainant may proceed to the examination of witnesses.

No rule to rejoin shall be given before a replication shall be filed.

After an attachment with proclamation returned, no plea or demurrer shall be received, unless by order of court, upon a motion.

If the complainant conceives any plea or demurrer to be naught, either for the matter or manner of it, he may set it down with the clerk, to be argued; or if he thinks the plea good, but not true, he may take issue upon it, and proceed to process, giving notice of hearing as aforesaid, and if such plea shall be adjudged false, the complainant shall have the same advantage as if the same plea had been found false by verdict at common law.

If a plea be pleaded, or demurrer put in and over ruled, no other plea or demurrer shall hereafter be received, but the defendant shall answer the allegations of the said bill.

The complainant, a month after a plea or demurrer put in, may cause the same to be set down, to be argued, but if the complainant shall not proceed to have the same set down, before the second court after such plea or demurrer put in, the bill may be dismissed of course, with costs.

Upon a plea or demurrer argued, and over ruled, costs shall be paid as where an answer shall be judged insufficient, and the defendant shall answer within two months after; but if adjudged good, the defendant shall have his costs.

If any defendant shall obstinately insist on a demurrer, and refuseth to answer, where the court shall be of opinion that sufficient matter is alledged in the bill to oblige him to answer, and for the court to proceed upon, the bill shall be taken *pro confesso*, and the matter thereof decreed.

Upon any bill filed, and before the defendant puts in his answer, upon oath made, that any of the complainant's witnesses are aged, and infirm, or going

out of this colony, whereby the complainant thinks he is in danger of losing the benefit of their testimony, the clerk may issue a *dedimus* to take the examination of such witnesses, *de bene esse*, the party taking such *dedimus* giving reasonable notice to the adverse party of the time and place of taking such examination.

Commissions to examine witnesses may be issued by the clerk of the court at any time after replication filed, the party taking such commission, giving ten days notice to the adverse party, of the time and place of executing the same.

When any cause shall be at issue, and the examination of witnesses returned, if the complainant shall not, within a month thereafter, set down the cause for hearing, with the clerk in the secretary's office, the defendant may have the cause set down at his request, and bring the same to hearing, giving the complainant, or his attorney, such notice is herein before directed in cases of trial at common law.

And that no injunction shall be granted from the general court, to stay the proceedings in any suit commenced in the county court, or other inferior court, unless the matter in dispute be of value sufficient to admit of an appeal to the general court.

No injunction to be granted for less value than an appeal.

XXXIX. *Provided always*, That nothing in this act contained, shall extend to any suits or controversies now depending in, or returnable to the general court: But that all writs and other process at the common law, or in chancery, and all suits, appeals, and proceedings whatsoever, issued, granted, or prosecuted at any time before passing this act, and now returnable, or depending in the general court, shall and may be returned, prosecuted, heard, and determined in the same manner as if this act had never been made.

Proviso.
For suits depending before this act.

XL. *And be it further enacted, by the authority aforesaid*, That the sheriff and his officers attending the general court, shall be, and are hereby impowered, during the sitting of the said court, from time to time, to summon grand and petit juries, and witnesses, and to execute the commands of the said court, within the city of Williamsburg, or other place where the general court shall be held, and half a mile round the same, and to make return thereof, and such return shall be sufficient for the court to proceed thereon.

Where the sheriff and officers attending the court may summon jurors and witnesses and execute the courts commands.

Repealing
clause.

XLI. *And be it further enacted, by the authority aforesaid, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.*

CHAP. II.

*An Act for continuing an an act, intituled,
An Act for making provision against in-
vasions and insurrections.*

Preamble.

I. WHEREAS the act of Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for making provision against invasions and insurrections, will expire on the twenty seventh day of October, which shall be in the year of our lord one thousand seven hundred and fifty five, and it is necessary the same should be continued for a longer term.

Continuance

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of Assembly, intituled, An act for making provision against invasions and insurrections, shall continue and be in force from and after the said twenty seventh day of October, which shall be in the year of our lord, one thousand seven hundred and fifty five, for and during the term of seven years, from thence next following, and no longer.*

CHAP. III.

An Act for amending the act, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.

I. WHEREAS the act of General Assembly made Preamble. in the twenty second year of the reign of his present majesty, intituled, An act for amending the staple of tobacco and preventing frauds in his majesty's customs, ought to be amended,

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That if any person intituled to receive a hogs-head of tobacco by virtue of any inspectors note or receipt, and refusing to accept the tobacco offered or tendered in payment, shall not make application to the justices, according to the directions of the said act, within eighteen months after the date of such note or receipt, such Justices after the expiration of that time, shall not have power to view and examine such tobacco, and cause it to be burnt, any thing in the said act contained to the contrary, notwithstanding.

In what case justices shall have no power to view and cause tobacco tendered in payment of inspectors notes, to be burnt upon a refusal.

III. And be it further enacted, by the authority aforesaid, That from and after the twentieth day of October next, the public warehouses for the inspection of tobacco at Maycox in the county of Prince George; at Maddox's on both sides of the creek, in the county of Westmoreland; at Smith's on the east side of Pagan-creek, in the county of Isle of Wight; at Norfolk, in the county of Norfolk, be, and the same are hereby declared to be discontinued, and shall no longer be accounted public warehouses for the inspection of tobacco; and that from and after the said twentieth day of October next, public warehouses for the inspection of tobacco, be erected in the county of Prince George, at the town of Blandford, on the land of Robert Bolling, gentleman; in the county of Isle of Wight, at Fulgham's point to be under the same inspection with the warehouses in the town of Smithfield, in the said

Certain warehouses discontinued.

Others erected.

county; in the county of Westmoreland, on the land of William Price, on the east side of Mattox-creek and on the land of the orphan of John Watts, deceased, on the west side of the said creek; to be under one inspection; in the county of Prince-George, at the Flower de Hundred, on the land of John Hood.

Rents of certain warehouses.

IV. *And be it further enacted by the authority aforesaid,* That there shall be paid and allowed for the rent of the warehouses established in the county of Henrico, on the upper side of Four-Mile creek, on the land of John Pleasants the elder, and on the lower side thereof on the land of Charles Woodson, five pounds per annum each, and for the rent of the several warehouses by this act established, eight pence per hogshead, for every hogshead of tobacco that shall be inspected and delivered out of the same respectively.

Inspector's salaries.

V. And for the more equal settlement of the salaries of the several inspectors at the warehouses hereafter mentioned, *Be it enacted by the authority aforesaid,* That the same be established for each inspector, according to the rates following, viz. at Rocky-Ridge, thirty five pounds per annum; at Blandford, thirty five pounds per annum; at Hood's, thirty pounds per annum; at Prices and Watts under one inspection twenty-five pounds per annum, at the Great Bridge and Kemp's, thirty pounds per annum.

What notes shall pass in payment.

VI. *And be it further enacted by the authority aforesaid,* That the notes of the several warehouses hereafter mentioned shall pass in payment of all levies quit-rents, and officers fees, payable in the counties following, that is to say, the notes of Gray's-creek, Cabbin-point, Hood's, Jordan's, Blandford, and Bolling's-point, shall pass in the county of Sussex; the notes of Bolling's-point, Blandford, John Bolling's, Byrd's, Warwick, Osborne's, Shoccoe's and Rocky-ridge, shall pass in the county of Prince-Edward; the notes of Hood's shall pass in the counties of Surry, and Southampton; the notes of Blandford shall pass in the counties of Surry and Halifax; the notes of Sleepy-Hole shall pass in the counties of Norfolk and Princess-Anne: And that no notes of any inspectors at any warehouses below Gray's creek on James-river, shall pass in payment of levies, quit rents, or fees becoming due in the county of Brunswick.

What allowance shall be

VII. *And be it further enacted by the authority aforesaid,* That out of every hundred pounds of Tobacco,

which shall be paid in discharge of quit-rents, secretary's, clerks, sheriffs, surveyors, or other officers fees, in the counties hereafter mentioned, and so proportionably for a greater or lesser quantity, there shall be the following abatements or allowances to the payer, that is to say, for tobacco due in the county of Prince-Edward, the person paying shall and may retain in his hands, thirty pounds of tobacco for every hundred so due from him; for tobacco due in the county of Surry, ten pounds of tobacco; for tobacco due in the county of Sussex, twenty pounds of tobacco.

made out of such public dues and fees to the payer.

VIII. *And be it further enacted*, That the inspectors shall not suffer or permit the proprietor, or any other person to make use of the warehouse at which they are inspectors; and if any warehouse shall hereafter happen to be burnt, the loss sustained thereby shall be made good, and repaired to the several persons injured, by the General Assembly, at the next session after such loss, as is directed by the before recited act; but if it appears that such warehouse, was burnt by means of the inspectors permitting the proprietor, or any other person to make use thereof, such inspectors shall repay to the treasurer of this colony, all such sum or sums of money as shall have been paid to the persons so injured.

Inspectors not to permit proprietors of warehouses to make use of them.

IX. *And be it further enacted by the authority aforesaid*, That so much of the said act as is within the purview of this, shall be, and is hereby repealed.

Repealing clause.

CHAP. IV.

An Act for continuing the act, intituled, An act for reviving the duty upon slaves, for the term therein mentioned.

I. WHEREAS an act of Assembly was made in the twenty fifth year of the reign of his present majesty, intituled, An act for reviving the duty upon slaves to be paid by the buyers for the term therein mentioned, which will expire on the twentieth day of April, one thousand seven hundred and fifty six; and

Preamble.

U v—Vol. 6.

it being found expedient that the said act should be further continued, for the purposes therein mentioned.

Continu-
ance.

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act, and every clause and article thereof, shall be, and continue in force, from and after the said twentieth day of April, one thousand seven hundred and fifty six, for and during the term of four years from thence next following, and no longer.

CHAP. V.

An Act for further continuing certain acts of Assembly therein mentioned.

Preamble.

I. WHEREAS by an act of Assembly made in the nineteenth year of the reign of his present majesty, intituled, An act for reducing the laws made for laying a duty upon liquors into one act of Assembly; a duty of two pence per gallon was laid upon rum, brandy, distilled spirits, and wine; and one penny per gallon upon cyder, beer or ale, imported from any port or place whatsoever, except directly from Great Britain, and to be paid by the owner or importer of the same, during the term of four years; and also a further duty of one penny per gallon upon rum, brandy, spirits, and wine, during the term of eleven years: And whereas by another act passed in the twenty second year of his present majesty's reign, for continuing the before recited act, the said duty of two pence upon rum, brandy, spirits, and wine; and one penny upon cyder, beer, or ale, was continued for four years longer, which will expire on the tenth day of June, in the year of our Lord, one thousand seven hundred and fifty five, and by a clause of the same act, an additional duty of one penny per gallon was laid upon rum, brandy, spirits, and wine, for the term of four years, which was afterwards continued by a subsequent act made in the twenty fifth year of the reign

of his present majesty, intituled, An act for continuing a clause of an act of Assembly therein mentioned; and will also expire on the said tenth day of June, one thousand seven hundred and fifty five, and it being necessary that the said act should be further continued, for the better payment of the public debts, claims, and other exigencies of this government, which cannot otherwise be discharged without a poll tax, always grievous and burthensome to the subjects here.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said duty of two pence per gallon upon rum, brandy, spirits, and wine, and one penny upon cyder, beer, or ale, and the said additional duty of one penny per gallon upon rum, brandy, spirits, and wine, shall remain and continue to be raised, levied, collected, paid, and applied in the same manner, and to the uses, intents, and purposes, by the herein before recited acts of Assembly directed, from and after the said tenth day of June, which shall be in the year of our Lord, one thousand seven hundred and fifty five, for and during the term of three years from thence next following, and no longer.

Continu-
ance.

CHAP. VI.

An Act for further encouraging persons to settle on the waters of the Mississippi.

I. WHEREAS it will be a means of cultivating a better correspondence with the neighbouring Indians, if a farther encouragement be given to persons who have settled, or shall settle on the waters of the Mississippi, in the county of Augusta. And whereas a considerable number of persons, as well his majesty's natural born subjects, as foreign protestants, are willing to come into this colony, with their families and effects, and settle upon the lands near the said waters, in case they can have such encouragement for so doing; and whereas the settling that part of the coun-

Preamble.

try, will add to the strength and security of the colony in general, and be a means of augmenting his majesty's revenue of quit rents.

Persons settling on Mississippi, exempted from the payment of all public, county, and parish levies, for 15 years. II. BE it therefore enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That all persons being protestants who have already settled, or shall hereafter settle and reside on any lands situate to the westward of the ridge of mountains, that divides the rivers Roanoke, James, and Potowmack, from the Mississippi, in the county of Augusta, shall be, and are exempted and discharged from the payment of all public, county, and parish levies, for the term of fifteen years next following. any law, usage, or custom to the contrary thereof, in any wise, notwithstanding.

CHAP. VII.

An Act for the better government of servants and slaves.

Rules as to servants imported without indenture. I. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That all servants, except convicts, imported into this colony without indenture, if they be christians, of christian parentage, and above nineteen years of age, shall serve but five years; and if they be under nineteen, 'til they become twenty four years of age and no longer: but every such servant, under nineteen, shall be brought, within six months after his, or her importation, before the court of the county where the master lives, and his, or her age adjudged by the court, otherwise shall be a servant no longer than the accustomed five years, although under the age of nineteen; and the age of such servant, so adjudged and recorded, shall be accounted his, or her true age, in respect to the time of service.

Who shall be slaves. II. And that all persons who have been, or shall be imported into this colony, by sea or land, and were

not christians in their native country, except Turks and Moors in amity with his majesty, and such who can prove their being free, in England, or any other christian country, before they were shipped for transportation hither, shall be accounted and be slaves, and as such be here bought and sold, notwithstanding a conversion to christianity after their importation.

III. *And be it further enacted by the authority afore* Penalty for selling free-men as slaves.
 said, That if any person shall import into this colony, and here sell as a slave, any person or persons who have been free, in any christian country, island, or plantation, such importer and seller shall forfeit and pay, to the party from whom such free person shall recover his, or her freedom, double the sum for which such free person was sold, to be recovered in any court of record of this colony, with costs. according to the course of the common law, wherein the defendant shall not be permitted to plead in bar, any act or statute, for limitation of actions.

IV. *Provided always*, That a slave's being in England shall not be a discharge from slavery, without other proof of being manumitted there; and that baptism of slaves doth not exempt them from bondage: What shall be no discharge from slavery. Children bond or free according to their mother's condition.
 And that all children shall be bond or free, according to the condition of their mothers, and the particular directions of this act; and where any female mulattoe, or Indian, by law obliged to serve till the age of thirty one years, hath been, or shall be delivered of any child, during the time of her servitude, such child shall serve the master or mistress of such mulattoe, or Indian, until it shall attain the same age the mother of such child, was obliged by law to serve unto.

V. *And be it further enacted, by the authority afore* Master's duty to servants.
 said, That all masters and owners of servants, by act of parliament, indenture or custom, shall find and provide for them, wholesome and competent diet, cloathing, and lodging, and shall not give immoderate correction, nor whip any christian white servant naked, without order from a justice of peace: And if any person shall presume to whip a christian white servant naked, without such order, he, or she, so offending, shall forfeit and pay fifty shillings current money, to the party injured, recoverable with costs, upon complaint made to the county court, within six months after such whipping.

Justices shall
receive ser-
vants com-
plaints.

VI. And that all complaints of servants made to a justice of peace, shall, be by him received, and if thereupon he shall see cause, he may bind over the master or owner, to appear before the next court held for his county, to answer such complaint, where the same shall be heard and determined: And all petitions of servants to the court of the county wherein they reside, for diet, cloathing, lodging, correction, whipping, freedom, or freedom dues, shall be received at any time, without the formality of an action, and such court is hereby declared to have jurisdiction and authority (the master or owner of the petitioner being first summoned to appear) to hear and determine the matter of every such petition, in a summary way, and to award execution thereupon: And where the same shall relate to diet, cloathing, lodging, or correction, the court may make such order as to them shall appear just and necessary; and if the master, or owner, will not comply with such order, the court may, upon a second complaint, or petition, order the servant, so petitioning, to be immediately sold by the sheriff, by public auction, for the residue of his or her time of service, then unexpired, and the money, or tobacco, arising by such sale after charges deducted, shall be paid to the owner, when demanded; and if such servant be sick, lame, or disabled, so that he, or she, cannot be sold for so much, at least, as will satisfy the fees, and other incident charges, the court shall order the churchwardens of the parish, to take care of, and provide for such servant, 'til the expiration of his or her time of service, or until he or she, can be sold for defraying all charges, and moreover, the court shall, from time to time, order the charges of keeping such servant to be levied, by distress, upon the goods and chattels of the master or owner.

Proceedings
upon ser-
vants peti-
tions to the
court.

No contracts
between
masters and
servants, un-
less in court.

VII. And that no master or owner, shall, during the time of service, make any contract, or bargain with his or her servant, for further service, or other matter or thing relating to liberty, or personal profit, unless the same be made in the presence, and with the approbation of the court of the county wherein the master or owner resides: And if any servant shall, at any time, bring in goods or money, or during the time of their service shall, by gift, or any other lawful means, acquire goods or money, they shall have the property and benefit thereof to their own use:

And if any servant shall be sick or lame, and so becomes useless or chargeable, his or her master or owner shall maintain such servant, until his or her whole time of service shall be expired; and if any master or owner shall put away a lame or sick servant, under pretence of freedom, and such servant becomes chargeable to the parish, such master or owner shall forfeit and pay ten pounds current money, to the churchwardens of the parish wherein such offence shall be committed. to the use of their parish, recoverable with costs, by action of debt, in any county court of this colony, and moreover, shall be liable to the action of the said churchwardens at the common law for damages.

Servants shall have the property of their own effects. Sick or lame servants may not be discharged. Penalty 10l. & damages.

VIII. And that every servant, male or female (except convicts) not having wages, shall, at the expiration of his, or her time of service, have and receive three pounds ten shillings current money, for freedom dues, to be paid by his or her master or owner; and, in case of refusal, recoverable with costs, by petition to the county court, in manner herein before directed.

Freedom dues.

IX. And be it further enacted, by the authority aforesaid, That no negroe, mulattoe, or Indian, altho' a christian, or any Jew, Moor, Mahometan, or other infidel, shall at any time purchase any christian servant, nor any other except of their own complexion; or such as by this act are declared slaves: And if any of the persons aforesaid shall, nevertheless, presume to purchase a christian white servant, such servant shall immediately become free, and be so held, deemed and taken; And if any person, having such christian servant, shall marry with a negroe, mulattoe, Indian, Jew, Moor, Mahometan, or other infidel, such servant shall thereupon become freed from all service then due to such master or mistress.

Who may not have a christian servant.

And that no person whatsoever shall buy, sell, or receive of, to, or from any servant or slave, any coin or commodity whatsoever, without the leave or consent of the master or owner of such servant or slave: And if any person shall presume to deal with any servant or slave, without such leave or consent, he or she so offending, shall forfeit and pay to the master or owner of such servant or slave, four times the value of the thing so bought, sold, or received, to be recovered with costs, by action upon the case, in any county court of this dominion, and shall also forfeit and pay

Penalty upon dealing with a servant, or slave, without leave.

the further sum of five pounds, to any person who will sue for the same, to be recovered with costs, by summons and petition, in the same manner, as is directed for the recovery of debts, not exceeding five pounds, nor under twenty five shillings, current money, in and by one act of Assembly, intituled, An act for establishing county courts, and regulating the proceedings therein, or receive on his or her bare back, thirty nine lashes well laid on at the public whipping-post, but shall nevertheless be liable to pay the costs of such petition and summons.

Duty of servants.

Their punishment, in case of resistance.

And where they transgress penal laws.

Rules as to women servants having bastard children.

XI. *And be it further enacted, by the authority aforesaid,* That all servants shall faithfully and obediently, all the whole time of their service, do all their masters or owners just and lawful commands; and if any servant shall resist his or her master, mistress, or overseer, or offer violence to any of them, such servant shall, for every such offence, be adjudged to serve his or her master or owner, one whole year, after the time by act of Parliament, indenture, custom, or former order of court shall be expired.

XII. And that in all cases of penal laws where free persons are punishable by fine, servants shall be punished by whipping, after the rate of twenty lashes for every five hundred pounds of tobacco, or fifty shillings current money, so that no servant shall receive more than forty lashes at one time, unless such offender can procure some person to pay the fine.

XIII. That if any woman servant shall be delivered of a bastard child, within the time of her service aforesaid, *Be it enacted by the authority aforesaid, and it is hereby enacted by the authority of the same,* That in recompence of the loss and trouble occasioned her master or mistress thereby, she shall, for every such offence, serve her said master or owner one whole year after her time, by indenture, custom, and former order of court shall be expired, or pay her said master or owner, one thousand pounds of tobacco, and the reputed father, if free, shall give security to the church-wardens of the parish where that child shall be to maintain the child, and keep the parish indemnified, or be compelled thereto by order of the county court, upon the said church-wardens complaint: But if a servant, he shall make satisfaction to the parish for keeping the said child, after his time by indenture, custom, or order of court, to his then present master or owner

shall be expired, or be compelled thereto by the order of the county court, upon complaint of the church-wardens of the said parish for the time being: And if any woman servant shall be got with child by her master, neither the said master, nor his executors, administrators, nor assigns, shall have any claim of service against her, for, or by reason of such child, but she shall, when her time due to her said master, by indenture, custom, or order of court, shall be expired, be sold by the church wardens for the time being, of the parish wherein such child shall be born, for one year, or pay one thousand pounds of tobacco; and the said one thousand pounds of tobacco, or whatever she shall be sold for, shall be employed by the vestry, to the use of the said parish. And if any woman servant shall have a bastard child by a negroe or mulattoe, over and above the year's service due to her master or owner, she shall immediately upon the expiration of her time, to her then present master, or owner, pay down to the church-wardens of the parish wherein such child shall be born, for the use of the said parish, fifteen pounds current money of Virginia, or be by them sold for five years to the use aforesaid; and if a free christian white woman shall have such bastard child by a negroe, or mulattoe, for every such offence, she shall, within one month after her delivery of such bastard child, pay to the church-wardens for the time being, of the parish wherein such child shall be born, for the use of the said parish, fifteen pounds current money of Virginia, or be by them sold for five years to the use aforesaid; and in both the said cases, the church-wardens shall bind the said child to be a servant until it shall be of thirty one years of age.

XIV. And for a further prevention of that abominable mixture, and spurious issue, which may hereafter increase in this his majesty's colony and dominion, as well by English, and other white men and women, intermarrying with negroes or mulattoes, as by their unlawful coition with them, *Be it enacted, by the authority aforesaid, and it is hereby enacted,* That whatsoever English, or other white man or woman, being free, shall intermarry with a negro, or mulattoe man or woman, bond or free, shall, by judgment of the county court, be committed to prison, and there remain during the space of six months, without bail or mainprize, and

No white to
intermarry
with a black,
&c.

shall forfeit and pay ten pounds current money of Virginia, to the use of the parish as aforesaid.

Penalty on minister marrying a white and black.

XV. *And be it further enacted*, That no minister of the church of England, or other minister or person whatsoever, within this colony and dominion, shall hereafter wittingly presume to marry a white man with a negroe, or mulattoe woman, or to marry a white woman with a negro or mulattoe man, upon pain of forfeiting and paying for every such marriage, the sum of ten thousand pounds of tobacco; one half to our sovereign lord the king, his heirs and successors, for and towards the support of the government, and the contingent charges thereof, and the other half to the informer, to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record within his majesty's colony and dominion, wherein no essoign, protection, or wager of law, shall be allowed.

Servants when free, shall have a certificate.

XVI. And to the end poor people may not be destitute of employment, under suspicion of their being servants, as well as to prevent servants running away, *It is hereby further enacted*, That every servant, upon expiration of his or her time, and proof thereof made before the court of the county where he or she last served, shall have his or her freedom recorded, and a certificate thereof under the hand of the clerk, which shall be sufficient to indemnify any person for entertaining or hiring such servant; and if such certificate shall happen to be torn or lost, the clerk, upon request, shall issue another, reciting therein the loss of the former: And if any person shall harbour or entertain a servant, not having and producing such certificate, he or she shall pay to the master or owner of such servant, thirty pounds of tobacco for every natural day, he or she shall so harbour or entertain such runaway, recoverable with costs, by action of debt in any county court of this dominion: And if any runaway shall make use of a forged certificate, or after delivery of a true certificate to the person hiring him or her, shall steal the same, and thereby procure other entertainment, the person entertaining or hiring, shall not be liable to the said penalty, but such runaway besides making reparation for loss of time, and charges of recovery, in the manner herein after directed, shall stand two hours in the pillory, on a court-day, for making use of such forged or stolen certificate; and the per-

Penalty on harbouring servants without certificate.

Punishment of servants using a forged or stolen certificate.

And on persons forging.

son forging the same, shall forfeit and pay ten pounds current money, one moiety to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, the other moiety to the owner of such runaway, or the informer, recoverable with costs, in any county court of this dominion; and on failure of present payment, or security for the same within six months, such offender shall receive thirty nine lashes, on his or her bare back, well laid on, at the common whipping-post: And where a runaway shall happen to be hired upon a forged certificate, and afterwards denies the delivery thereof, the *Onus Probandi*, shall lie upon the party hiring such runaway.

XVII. And to encourage all persons to take up run- Rewards for
aways, *Be it further enacted, by the authority aforesaid,* taking up
That for every runaway servant or slave taken up ten runaways.
miles, or more, from his or her usual place of abode, the taker up, shall be entitled to a reward of two hundred pounds pounds of tobacco; but if under ten and above five miles, one hundred pounds of tobacco; which The method
shall be paid by the public, in the county where such of proceeding with
taker up resides, and be levied by the public upon the them.
master or owner of the runaway: But the taker up shall forthwith bring such runaway before a justice of peace, of the county where he or she shall be taken, to be examined; and if thereupon such servant or slave, appears to be run away, the justice shall grant the taker up a certificate reciting his or her proper name and surname, the county of his or her residence, the name of the runaway, the proper name and surname of his or her owner, and the county wherein he or she resides, the time and place when and where the runaway was taken, and the distance of miles in the judgment of the justice, from the house or quarter where the runaway was usually kept; and such justice shall also issue his warrant to the next constable, requiring Constables
him to receive such runaway, and give him or her such duty.
a number of lashes, as the said justice shall think fit to direct, not exceeding thirty nine, and then him or her to convey and deliver to the next constable, and so from constable to constable, until the runaway be delivered to his or her owner or overseer: And every constable to whom such runaway and warrant shall be produced, shall execute the same, and give a receipt upon the delivery of the runaway to him, under

penalty of forfeiting and paying two hundred pounds of tobacco, to the church-wardens of the parish wherein such constable lives, recoverable with costs, by action of debt, in any county court, to the use of such parish: But the corporal punishment, herein before directed to be given to runaways, shall not deprive the master or owner of any servant, from the satisfaction by this act required to be made by servants for running away.

Runaway not declaring the name of his owner, shall be committed.

Proceedings thereupon.

XVIII. And be it further enacted by the authority aforesaid, That every negroe, or other person, taken up and brought before a justice of peace, and who cannot, or will not declare the name of his or her owner, shall be committed to the goal of the county where taken, by warrant under the hand of such justice; and the sheriff or goaler, to whose custody such runaway shall be committed, shall forthwith cause notice thereof, and a description of such runaway, and his or her cloathing, to be publicly affixed at the door of the court house, and there continued two months, if no owner appears within that time; and shall also send a copy thereof, to the clerk or reader of every church within his county, to be by him published, and affixed in some open and convenient place near his church, every Sunday during two months, after the date thereof, unless the owner appear sooner, under penalty of five hundred pounds of tobacco, on every sheriff or goaler, and two hundred pounds of tobacco on every clerk or reader failing, one moiety to the king, his heirs and successors, for the better support of this government, and the contingent charges thereof, the other moiety to the informer, recoverable with costs, by action of debt, or information, in any county court: but such runaway shall be delivered to his or her owner when demanded, he or she satisfying the sheriff's fees, and also two hundred pounds of tobacco, or twenty shillings for the taking up: And that if within two months after such commitment, no owner appears or claims, the sheriff shall deliver such runaway to the next constable, to be conveyed from one constable to another, 'til brought to the public goal of this colony, and delivered to the keeper thereof, by such warrant, and to receive such punishment as is herein before directed; and the said keeper is hereby required to receive such runaway into his safe custody, and give a receipt, and shall also publish an

advertisement, and a description of the person and cloaths, in the Virginia Gazette, and continue the same three months, of no owner appears; and it shall be lawful for the said keeper, upon application to the nearest county court to the said goal, with consent of the said court, to let such runaway to hire, to any person by them approved of, for money or tobacco, and for such term as shall be by them directed, and out of the hire arising thereby, all charges for taking up, imprisonment, conveying to goal, maintaining, and releasing such runaway, shall be first paid, and the overplus disposed of as such court shall direct; but the said keeper shall cause a strong iron collar, with the letters P G stamped thereon, to be put on the neck of every runaway so hired out, at the time of delivering him or her to the person hiring, which shall indemnify him from any escape afterwards; and for every runaway so hired out, the keeper of the said public goal shall be allowed one fee for commitment, and the same for releasement, and no more: And if any such runaway shall happen to die in goal, the reward for taking up, and all other fees incident, shall be defrayed by the public. *Provided always*, That when the owner of such runaway shall demand him or her, the person to whom he or she was hired, shall forthwith deliver the same into the custody of the keeper of the public goal, and shall then also pay the hire, in proportion to the time the runaway hath served; and if that be not sufficient to satisfy all charges, the owner paying down the residue, shall have him or her delivered.

XIX. But whereas the continuance of runaway slaves some time in the public goal, may induce dishonest persons to pretend themselves owners, and thereby obtain possession to the prejudice of the true owner, *Be it therefore enacted by the authority aforesaid*, That before any such slave shall be delivered by the keeper of the public goal, the person claiming such slave, shall first apply to the court of the county where he resides, and make proof of his having lost a slave, answering the description, published by the said keeper in the Gazette, and obtain certificate thereof, and also there give security to answer all damages, if it shall thereafter appear, that the slave he shall thereupon receive from the said keeper, doth really belong to some other person: And on producing such certifi-

Owner claiming a runaway slave in the public goal, must prove his property.

cate to the keeper aforesaid, and making oath before the mayor, or some other magistrate of Williamsburg, that the slave, who shall be there present, is his, or the slave of _____ for whom he appears, it shall be lawful for the said keeper, to deliver the slave so described and sworn to, and not otherwise.

Where no owner appears.

XX. And if no owner shall appear to claim such runaway, the county court shall, after the charges aforesaid are paid and satisfied, cause such runaway to be sold at public auction, by the sheriff, and the money arising by the sale shall be paid to the treasurer of this colony, and applied by him for the use of the public; but in case the owner shall, at any time afterwards, prove his property in the said runaway, the said treasurer shall repay him or her, the money so received, and be allowed the same in his account.

Where runaways have crossed the bay.

XXI. And that when any runaway shall have crossed the bay of Chesapeake, and be brought before a justice of any county lying upon the said bay, such runaway shall be committed to a sheriff, and not to the constable; but if he or she, after crossing the bay, shall get into some other county more remote, in such case the runaway shall be committed to a constable, and so from constable to constable, 'til delivered to the sheriff of some county adjoining to the bay aforesaid: And every such sheriff is hereby required to receive the runaway so to him committed, and shall forthwith cause him or her to be transported again across the bay, and delivered to a constable there, to be conveyed as is herein before directed; and for his trouble and charge herein, such sheriff shall have and receive five hundred pounds of tobacco, for every runaway so transported and delivered, to be paid by the public, and repaid by the owner of the runaway: And if any sheriff, or his officer, shall cause or suffer such runaway to work, so as to occasion any delay, such sheriff or officer, shall forfeit and pay one thousand pounds of tobacco, to the owner of the runaway, recoverable with costs, by action of debt, or information, in any county court of this dominion.

Where they belong to Maryland or Carolina.

XXII. And where a runaway, belonging to an inhabitant of Maryland or Carolina, shall be taken and brought before a justice, such runaway shall be by him committed to the goal of the county where taken, and the sheriff or goaler, shall cause advertisements to be published in the same manner, and for the same time,

as is herein before directed to be done by the keeper of the public goal, and if no owner appears, may, with consent and approbation of his county court, hire out such runaway, and shall pay the reward for taking up, which shall be reimbursed out of the hire, or by the owner, together with all other charges, if the hire be not sufficient. And all money or tobacco arising by such hire of the runaway, 'til claimed by his or her owner, shall be to the use of such sheriff or goaler, and he may demand and take of the owner, the like fees and charges, as are or shall be then demandable of the inhabitants of Virginia, for runaways taken up, in the province where such owner resides.

XXIII. *And be it further enacted by the authority aforesaid,* That every sheriff, constable, or other officer, charged with conducting runaways, shall be, and is hereby impowered to impress men and horses, where necessary, for the safe conveying the person or persons wherewith he stands charged: And if such officer shall suffer such runaway to escape, he shall be liable to the party grieved, for recovery of damages and costs at the common law. Officers may impress assistants, and liable for escapes.

XXIV. And that the keeper of the public goal, may demand and take, for the commitment of every runaway, two shillings current money, or twenty pounds of tobacco, and the same for releasement, and for every twenty four hours keeping him or her in goal, six pence, or five pounds of tobacco, and no more: And if he, or any sheriff, or goaler, shall demand and take any other or greater fee than is, or shall be by law allotted for runaways, he or they so offending shall, for every such offence, forfeit and pay twenty shillings to the party grieved, and shall also refund and pay back all money or tobacco received over and above the legal fees, recoverable with costs before any justice of peace of the county where such offence shall be committed. Prison fees.

XXV. And that every runaway servant, upon whose account any reward shall be paid for taking up, shall serve his or her master or owner, after all other time of service due shall be expired, one month and an half for every hundred pounds of tobacco so paid, or to be paid, and for all necessary disbursements and charges expended in pursuit and recovery of such runaway, and moreover, shall serve double the time of his or her absence, to be adjudged and Runaway servants to repay all charges and loss of time

allowed by the court of the county where the owner resides, or where the runaway is kept, at the next court held after his or her recovery, he or she being also brought before them; but if the owner neglects so to do, the court may allow or reject such claim, as to them appears just, without any appeal. *Provided always,* That if any servant, at the time of such judgment, shall repay, or give good security before the court, for repayment of all charges and disbursements, within six months after, the master or owner shall accept thereof, in lieu of service.

Remedy against servants imported as tradesmen, or mechanics, upon wages, and found ignorant.

XXVI. And whereas many abuses have been committed by persons, who under pretence of understanding trades and mysteries, have procured large sums of money to be advanced to them, and entered into covenants with merchants and others, in Great Britain, or elsewhere, for the payment of yearly wages, though they were really ignorant of, and unable to perform such trades or mysteries: *Be it therefore further enacted by the authority aforesaid,* That all and every person or persons already imported, or who shall be imported into this colony, as a tradesman or workman on wages, and shall be found not to understand such trade or employment, may be brought, by his or her master or owner, before any county court of this colony, who are hereby empowered and directed, upon complaint of such deceit to them made, to enquire into the same, and upon finding any such fraud, may order and direct such satisfaction to be made to the master, or owner of such servant, either by defalcation of the wages or part thereof, or by such further time of service for the money advanced, as to them shall seem just: And that if any such tradesman or workman, on wages, shall refuse or neglect to perform his duty, or absent himself from his master's service, without leave, the justices of the county court wherein such master resides, upon complaint and proof to them made, may order such satisfaction to be made to such master or owner, as to them shall seem just; and that for every days absence, such servant shall serve two days, without wages, after his time by indenture, or former order of court is expired.

Or, where they refuse to work, or absent themselves.

Apprentices shall serve out their full time.

XXVII. *And be it further enacted, by the authority aforesaid,* That every person who at any time or times hereafter shall be bound by indenture, to serve as an apprentice in any trade, art, mystery, or occupation,

with the consent and approbation of any court of record within this colony, although such person be within the age of twenty one years at the time of making his indenture, shall be obliged to serve the full time in such indenture contained, as amply and largely to every intent, as if such apprentice were of full age at the time of making the same.

XXVIII. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall steal any negroe, mulattoe, or Indian slave, whatsoever, out of, or from the possession of the owner or overseer of such slave, the person or persons so offending, shall be, and are hereby declared to be felons, and shall suffer death, without benefit of clergy.

Stealing slaves felony without clergy.

XXIX. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Repealing clause.

CHAP. VIII.

An Act for paying the ministers of the parishes of Frederick, in the county of Frederick, and of Augusta in the county of Augusta, and Hampshire, in the county of Hampshire, one hundred pounds annually, instead of the salaries now allowed.

I. WHEREAS by one act of the General Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for the support of the clergy, and for the regular collecting and paying the parish levies, it is enacted, that every minister preferred to, or received into any parish within this dominion, shall have and receive an annual salary of sixteen thousand pounds of tobacco, and cask, with an allowance of four per cent for shrinkage; to be levied,

Commutation of ministers salaries, in Frederick, Augusta, and Hampshire.

W. w.—Vol. 6.

assessed, collected, and paid in manner in the said act directed. And whereas by one other act of General Assembly, made in the twelfth year of the reign of his present majesty, intituled, An act for erecting two new counties and parishes, and granting certain encouragements to the inhabitants thereof, it is enacted, for the more easy payment of all levies, secretary's, clerks, sheriffs, and other officers fees, by the inhabitants of the new counties of Frederick and Augusta, that the said levies and fees shall and may be paid in money, for tobacco, at three farthings per pound, without any deduction: By virtue of which last mentioned act, the salaries of the ministers of the parish of Frederick, in the county of Frederick, and of the parish of Augusta, in the county of Augusta, have been, and are levied and paid in money, for tobacco, at three farthings per pound, which are not sufficient for the ministers of the said parishes of Frederick and Augusta.

II. *BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, the vestries of the parishes of Frederick and Augusta, and of Hampshire when the same shall take place, at the time of laying their respective levies shall, and they are hereby authorised and required to levy and assess upon the tithable persons in their respective parishes, an annual salary of one hundred pounds for the ministers of the said parishes, respectively, with any allowance of six per cent. for collecting the said salary; to be collected, levied, distrained for, and paid in the manner directed by the first above mentioned act, instead of, and in full compensation for the said salary of sixteen thousand pounds of tobacco and cask, and if the vestry of either of the said parishes, shall neglect or refuse to levy the said one hundred pounds, in such case all the vestrymen of the parish neglecting or refusing shall be liable to the action of the minister injured thereby, his executors, or administrators, for all damages, which he shall sustain by occasion of such refusal or neglect.

CHAP. IX.

*An Act for continuing an act, intituled,
An Act for regulating the practice of
attornies.*

I. WHEREAS the act of Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for regulating the practice of attornies, which will expire at the end of this session of Assembly hath been found to answer the ends thereby intended, and it is necessary the same should be continued with amendments.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the sum, That the said recited act of Assembly, intituled, An act for regulating the practice of attornies, shall continue and be in force, from and after the end of this session of Assembly, for and during the term of three years, and from thence to the end of the next session of Assembly. And for preventing lawyers taking unreasonable and exorbitant fees, and for the more equal settlement of the same.

III. Be it further enacted, by the authority aforesaid, ^{Lawyers fees settled.} That during the continuance of the said recited act, the lawyers in this colony shall not, directly, or indirectly, or by any device, way, or means whatsoever, exact, take, or receive, any greater or other fees or reward, for the following services, than what are herein particularly mentioned and expressed, that is to say, lawyers practising in the general court, may demand and receive, for an opinion or advice where no suit is brought, one pound one shilling and six pence; in any suit at common law, other than the actions herein after mentioned, fifty shillings; in all chancery suits, or real, mixt, or personal actions, where the title or bounds of land shall or may come in question, five pounds: And lawyers practising in the county courts, and other inferior courts, for services to be by them done in such courts, may demand for an opinion or advice, ten shillings; in any suit at common law, other than the actions hereafter mentioned, or

by petition, fifteen shillings; in all chancery suits, or real, mixt, or personal actions, thirty shillings; on a petition for a small debt, seven shillings and six pence: And any lawyer, for attending a survey in the country, for every day he shall attend, may demand one pound one shilling and six pence. And every lawyer exacting, taking, receiving, or demanding any greater fee, or other reward, for any of the above services, shall forfeit and pay fifty pounds for every offence, one half to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other half to the informer, to be recovered by action of debt or information, in any court of record in this colony.

CHAP. X.

Edit. 1769,
p. 316.

An Act for allowing the inhabitants of the counties of Halifax, Hampshire, and Bedford, to discharge their public dues and officers fees in money instead of tobacco.

Officers' fees
in Halifax,
Hampshire,
and Bedford,
payable in
money.

I. FOR the more easy payment of all levies, secretary's, clerks, and other officer's fees, by the inhabitants of the counties of Halifax, Bedford, and Hampshire, who make little or no tobacco.

II. BE it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the said levies and fees, may be paid in money for tobacco, to wit, for the counties of Halifax and Bedford, at twelve shillings and six pence per hundred, on the nett tobacco; and for the county of Hampshire, on the gross tobacco, three farthings per pound, without any deduction, in the same manner as the inhabitants of the counties of Frederick and Augusta, are now by law impowered to do.

CHAP. XI.

An Act for paying the Burgesses wages in money for this present session of Assembly.

I. WHEREAS by one act of Assembly made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's account it should appear, that there are monies sufficient, in his hands, to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer, over and above the said payment, a ballance of one thousand five hundred pounds, at the least, then every Burgess elected and serving for a county or corporation within this dominion, should be paid out of the said public money, the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed.

II. And whereas the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, but it is likely there will soon be money sufficient in the hands of the treasurer; and forasmuch as the payment of the Burgesses wages in money, for this present session, will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer, on the first day of November, in the year of our lord one thousand seven hundred and fifty four, out of the public monies then in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary thereof, in anywise notwithstanding.

CHAP. XII.

An Act for raising a Public Levy.

Public levy
or tax.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That five pounds and an half of tobacco be paid by every tithable person within this dominion, for the defraying and payment of the public charge of the country, being the public levy from the twenty seventh day of February, one thousand seven hundred and fifty two, to the first day of November, one thousand seven hundred and fifty three, and that it be paid by the collectors of the several counties, to the several persons and counties respectively to whom it is proportioned by this General Assembly, and if it shall happen that there shall be more tithables in any county than the present levy is laid on, then such county shall have credit for so much, to the use of the county; and if fewer tithables in any county, then such county shall bear the loss.

II. *Provided always*, That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county, than will discharge the ballance after such allowance shall be deducted, and that every county court shall regulate the levy accordingly.

III. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall, at the court of his county, to be held in the months of January, February, or March next, give bond and security for the due collection and payment of the public levy, now laid and assessed.

CHAP. XIII.

An Act for appointing several new Ferries. Edit 1769, p. 316.

I. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That public ferries be constantly kept at the places hereafter mentioned, and that the rates for passing the said ferries be as follows, that is to say, on James river, from four mile creek warehouse landing, on the land of Charles Woodson, in the county of Henrico, to the neck of land belonging to Tarlton Woodson, in the county of Chesterfield; and from the said Tarlton Woodson's, to the said Charles Woodson's, for a man four pence, and for an horse four pence: And from the land of Charles Ellis, in the county of Henrico, to the land of Daniel Weldon, in the county of Chesterfield; and from the said Weldon's to the said Ellis's, for a man three pence, and for an horse three pence: On the Fluvanna river, from the land of Nicholas Davis, at, or near the mouth of the double creeks, to his land opposite thereto, called Salopian Point, in the county of Albemarle, for a man three pence, and for an horse three pence: On Staunton river, from the land of Robert Wade, in the county of Halifax, to the land opposite thereto, in the county of Lunenburg, for a man three pence, and for an horse three pence: On Bennet's creek, in the county of Nansemond, from Benjamin Bascombe's, to the land of James Buckston; and from the said Buckston's to the said Bascombe's, for a man four pence, and for an horse four pence: On the western branch in Nansemond county, from Jeremiah Godwin's, to the land of James Benn, and from the said Benn's to the said Godwin's, for a man four pence, and for an horse four pence: On Rock Fish river, in the county of Albemarle, from the land of Thomas Joplin across the said river, for a man three pence, and for an horse three pence: On Patowmack river, from the land now in possession of John Posey, in the county of Fairfax, across the said river to the land of Thomas Marshall in Maryland; for a man one shilling, and for an horse

one shilling: On James river, from the land now in possession of Lewis Delony, in the county of Surry, across the said river, to the land of John Edloe, the elder, and from the said John Edloe's, to the land in possession of the said Lewis Delony, for a man seven pence halfpenny, and for an horse seven pence halfpenny: And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferry keeper may demand and take the rates following, that is to say, for every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart, or four wheel chaise, and the driver of such chaise, as for four horses; for every two wheel chaise or chair, as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one fifth part of the ferriage of one horse; for every hog, one fourth of the ferriage of one horse, according to the prices herein before settled at such ferry, respectively, and no more.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Tarlton Woodson, and every other person who shall be in possession of the neck of land in the county of Chesterfield, aforesaid, to erect and keep a gate on the road going through the said neck of land to the ferry to be kept from thence, any law, or custom to the contrary notwithstanding.

CHAP. XIV.

An Act for adding part of the county and parish of Augusta, to the county and parish of Frederick, and for dividing the county and parish of Frederick, and the part of Augusta to be added thereto, into two counties and parishes.

Hampshire
county form-
ed from
Frederick,
and part of
Augusta.

I. WHEREAS part of the county and parish of Augusta, lies within the bounds of the territory or

tract of land, called the Northern Neck belonging to the right honourable Thomas Lord Fairfax, Baron of Cameron; and it will be more convenient if the dividing line between the said territory, and the other part of this colony, be established as the line of the said county, and that part of the said county be added to the county and parish of Frederick. And whereas the said county and parish of Frederick, are of a very long and large extent, and inconvenient to the inhabitants thereof.

II. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That on the first day of May, next ensuing, all that part of the county of Augusta, which lies within the bounds of the Northern Neck, be added to, and made part of the county of Frederick; and that from and immediately after the said first day of May, the said county of Frederick, and the said part of the county of Augusta so to be added to, and made part of the county of Frederick as aforesaid, be divided into two counties; and that all that part thereof, lying to the westward of the ridge of mountains, commonly called and known by the names of the Great North, or Cape Capon mountain, and Warin Spring mountain, extending to Potomack river, be one distinct county, and called and known by the name of Hampshire; and all that other part thereof, lying to the eastward of the said ridge of mountains, be one other distinct county, and retain the name of Frederick.

III. And for the due administration of justice in the said county of Hampshire, after the same shall take place, *Be it enacted by the authority aforesaid,* That after the said first day of May, a court for the said county of Hampshire, be constantly held by the justices thereof, upon the second Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

IV. *And be it further enacted, by the authority aforesaid,* That all that part of the parish of Augusta, in the county of Augusta, which after the division aforesaid, will lie within the said counties of Frederick and Hampshire, shall be added to, and made part of the parish of Frederick.

V. *Provided always,* That nothing herein contained shall be construed to hinder the sheriffs or col-

lectors of the said counties of Augusta and Frederick, or the collectors of the parish of Augusta, in the county of Augusta, as the same now stand intire and undivided from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of that part of the county of Augusta to be added to the county of Frederick as aforesaid, and the inhabitants of the said county of Hampshire, respectively, at the time the same shall take place; but such sheriff or collectors respectively, shall have the same power to collect and distrain for the said fees and dues, as if this act had never been made.

VI. *Provided also*, That the courts of the said counties of Augusta and Frederick, shall have jurisdiction of all actions and suits, both in law and equity, depending before them, respectively, at the time the said division shall take place, and shall try and determine such actions and suits, and issue process, and award execution against the body or estate of the defendant or defendants in any such action or suit, in the same manner as if this act had not been made, any law, usage, or custom to the contrary, in any wise notwithstanding.

VII. *And be it further enacted*, That from and after the first day of May, which shall be in the year of our Lord, one thousand seven hundred and fifty six, the said parish of Frederick, shall be divided into two distinct parishes, by the line dividing the said county of Frederick, from the said county of Hampshire, and that all that part of the said parish of Frederick, which, after such division, will lie within the said county of Frederick, shall retain the name of the parish of Frederick; and all the other part thereof, shall be called and known by the name of the parish of Hampshire.

VIII. *Provided always*, That nothing herein contained shall be construed to hinder the sheriff or collector of the said parish of Frederick, as the same now stands undivided, to make distress for any levies or other dues which shall be due from the inhabitants of the said parish of Hampshire, after the said first day of May, one thousand seven hundred and fifty six.

IX. *And be it further enacted, by the authority aforesaid*, That the freeholders and house keepers of the said parish of Hampshire, shall meet at some convenient time and place, to be appointed and publickly

advertised, at least one month before, by the sheriff of the said county of Hampshire, before the first day of July, one thousand seven hundred and fifty six, and then and there elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof, which said persons so elected, having in the court of the said county of Hampshire, taken and subscribed the oaths appointed to be taken, by one act of parliament, made in the first year of the reign of his late majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be vestrymen of the said parish.

X. *And be it further enacted, by the authority aforesaid,* That upon the death, removal, or resignation of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby empowered to choose and elect another vestryman, in the room of such vestryman so dying, removing or resigning.

CHAP. XV.

An Act for dividing the county of Amelia.

I. WHEREAS many inconveniences attend the inhabitants of the county of Amelia, by reason of their great distance from the court-house and the said inhabitants have petitioned this present General Assembly that the said county may be divided. Amelia county divided.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and immediately after the first day of January next ensuing, the said county of Amelia Prince Edward county formed.

be divided into two counties by a line to run from Ward's ford on Appomattox river, to the mouth of Snail's creek on Nottoway river, and that all that part of the said county, which lies on the upper side of the said line, shall be one distinct county, and called and known by the name of Prince-Edward, and that all that other part thereof, which is below the said line, shall be one other distinct county, and retain the name of Amelia.

III. And for the due administration of justice in the said county of Prince Edward, *Be it further enacted by the authority aforesaid*, That after the first day of January, a court for the said county of Prince-Edward, be constantly held by the justices thereof, upon the second Tuesday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

IV. *Provided always*, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Amelia, as the same now stands intire and undivided, from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of Prince-Edward, at the time of its taking place; but such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made, any law, usage, or custom to the contrary thereof, in anywise, notwithstanding.

V. *And be it further enacted, by the authority aforesaid*, That the court of the said county of Amelia, shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them, at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution against the body or estate of the defendant or defendants in any such action or suit, in the same manner as if this act had never been made, any law, custom, or usage to the contrary thereof, in any wise notwithstanding.

CHAP. XVI.

An Act for dividing the county of Lunenburg, and parish of Cumberland, and for altering the court-day in the county of Halifax.

I. WHEREAS many inconveniences attend the inhabitants of the county of Lunenburg, by reason of the extent thereof, and the said inhabitants have petitioned this General Assembly that the said county may be divided. Lunenburg county divided.

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and immediately after the tenth day of May next ensuing, the said county of Lunenburg be divided, from the mouth of Falling-river, up the said river to the fork, thence up that fork, running by John Beard's to the head, thence by a line to be run from the head thereof north, twenty degrees east, to the line dividing the said county from the county of Albemarle; and all that part of the said county of Lunenburg, which lies on the upper side of the said river, and line to be run as aforesaid, shall be one distinct county, and called and known by the name of Bedford; and that all the other part of the said county of Lunenburg, shall be one other distinct county, and retain the name of Lunenburg. Bedford county formed.

III. And for the due administration of justice in the said county of Bedford, after the same shall take place, Be it enacted by the authority aforesaid, That after the said tenth day of May, a court for the said county of Bedford, be constantly held by the justices thereof, upon the fourth Monday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

IV. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Lunenburg, as the same now is entire and undivided, from collecting and making distress for any public dues or officers fees, which shall

remain unpaid by the inhabitants of Bedford, at the time of its taking place; but such sheriff or collector shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner, as if this act had never been made, any law, custom, or usage to the contrary thereof, in anywise notwithstanding.

V. *And be it further enacted, by the authority aforesaid,* That the court of the said county of Lunenburg shall have jurisdiction of all actions and suits, both in law and equity, which shall be depending before them at the time the said division shall take place, and shall and may try and determine all such actions and suits, and issue process, and award execution against the body or estate of the defendant or defendants in any such action or suit, in the same manner as if this act had never been made, any law, custom, or usage to the contrary thereof, in anywise notwithstanding.

VI. And whereas the said county of Lunenburg, as it now stands entire and undivided, is indebted to sundry persons in divers sums of money; and also there are due and owing to the said county divers sums of money, and quantities of tobacco which have been heretofore, and will be this year levied upon the tithable persons of the said county, for paying the debts, and defraying the contingent charges thereof; *Be it therefore enacted by the authority aforesaid,* That John Payne, and Matthew Talbot, the elder, gentlemen, of the county of Bedford, and Peter Fontaine, the younger, and Lyddal Bacon, gentlemen, of the county of Lunenburg, be hereby authorised and impowered to demand and receive of all and every person and persons indebted to the said county of Lunenburg, as it now stands entire and undivided, all debts and dues owing to them, and the same when by them received to apply in discharge of the several debts due and owing therefrom; and the overplus, if any, shall pay and satisfy to the justices of the said counties of Lunenburg and Bedford, in proportion to the tithables in each of the said counties, to be by them applied towards lessening the levies of the said counties, respectively.

VII. And whereas by reason of the great length of the parish of Cumberland, in the county of Lunenburg, the inhabitants of that parish do lie under divers inconveniencies, *Be it therefore enacted by the authority aforesaid,* That from and after the tenth day of May,

Parish of
Cumberland
in Bedford
county divided and Russell parish formed.

which shall be in the year of our lord one thousand seven hundred and fifty six, the said parish of Cumberland shall be divided into two distinct parishes, and all that part of the said parish, that shall be in the county of Bedford, shall be one distinct parish, and thereafter called and known by the name of Russel.

VIII. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parish of Russel, shall meet at some convenient time and place, to be appointed, and publickly advertised, at least one month before, by the sheriff of the said county of Bedford, before the tenth day of July, one thousand seven hundred and fifty six, and then and there elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof; which said persons, so elected, having in the court of the said county of Bedford, taken and subscribed the oaths appointed to be taken by one act of Parliament, made in the first year of the reign of his late majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being Protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes be deemed and taken to be the vestrymen of the said parish.

IX. *And be it further enacted by the authority aforesaid,* That upon the death, removal, or resignation of any of the said vestrymen, the remaining vestrymen shall be, and they are hereby impowered to choose and elect another vestryman, in the room of such vestryman so dying, removing, or resigning.

X. And whereas the court-day for the county of Halifax, as it is now settled, is found to be very inconvenient as well to the inhabitants of the said county, as to others who are obliged to attend business at that court; Therefore, for rendering the same more convenient, *Be it enacted by the authority aforesaid,* That from and after the tenth day of May next, the court of the said county of Halifax, be constantly held on the third Thursday in every month, any law, custom, or usage to the contrary, notwithstanding.

CHAP. XVII.

*An Act for dividing the county of Surry,
and adding part of the parish of Albermarle, to the parish of Southwark.*

Surry county
divided.

I. WHEREAS many inconveniencies attend the inhabitants of the county of Surry, by reason of the large extent thereof, and they have petitioned this General Assembly that the said county may be divided.

Sussex county
formed.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and immediately after the first day of February next, the said county of Surry be divided into two counties, and that all that part of the said county, which lies on James river, and on the inner or lower side of the bounds herein after mentioned, that is to say, beginning at Seacock swamp, on the line dividing the said county of Surry, from the county of Southampton; thence a straight course to Black water, at the mouth of Coppohank, and up Black water to the line dividing the said county of Surry, from the county of Prince George, shall be one distinct county, and retain the name of Surry; and that all the other part of the said county of Surry, shall be one other distinct county, and called and known by the name of Sussex.

III. And for the due administration of justice in the said county of Sussex, after the same shall take place, Be it enacted by the authority aforesaid, That after the said first day of February, a court for the said county of Sussex, be constantly held by the justices thereof, on the second Monday in every month, in such manner as by the laws of this colony is provided, and shall be by their commissions directed.

IV. Provided always, That nothing herein contained shall be construed to hinder the sheriff or collector of the said county of Surry, as the same now stands entire and undivided, from collecting and making distress for any public dues or officers fees which shall remain unpaid by the inhabitants of Sussex, at

the time of its taking place; but such sheriff or collector, shall have the same power to collect or distrain for the said dues and fees, and shall be answerable for them in the same manner as if this act had never been made, any law, custom, or usage to the contrary thereof in any wise, notwithstanding.

V. *And be it further enacted, by the authority aforesaid,* That from and immediately after the first day of February next, all that part of the parish of Albemarle, in the county of Surry, which lies on the inner or lower side of the bounds above mentioned for dividing the said county of Surry, shall be added to, and is hereby made part of the parish of Southwark, in the said county of Surry.

VI. *Provided always,* That nothing herein contained, shall be construed to hinder the collector of the said parish of Albemarle, as the same now stands entire and undivided, from collecting or making distress for any parish levies, which shall remain unpaid by the inhabitants of the said part of the parish of Albemarle, at the time of its becoming part of the said parish of Southwark; but such collector shall have the same power to collect and distrain for such parish levies, and shall be answerable for them in the same manner as if this act had not been made, any law, custom, or usage to the contrary thereof, in any wise, notwithstanding.

VII. And whereas by reason of the great number of bridges in the said county of Sussex, which are now maintained at the charge of the said county of Surry, the levy of the said county of Sussex, by reason of the said division, will be greatly increased, *Be it further enacted by the authority aforesaid,* That all such money and tobacco, as shall be due and owing to the said county of Surry, at the time the said division shall take place, shall thereupon be vested in the justices of the said county of Sussex, and their successors, to and for the uses following, that is to say, therewith to pay and satisfy all such debts and dues as shall be owing from the said county of Surry, before the said division shall take place, and the residue, if any, to be by them applied in defraying the contingent charges of the said county of Sussex.

CHAP. XVIII.

An Act for dividing the parish of St. Andrew, in the county of Brunswick.

Parish of St. Andrew in Brunswick county divided.

Meherrin parish formed.

I. WHEREAS the parish of St. Andrew, in the county of Brunswick, by reason of its large extent, is inconvenient to the inhabitants thereof.

II. BE it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of July next, the said parish of St. Andrew, shall be divided by Meherrin river; and that all that part of the said parish of St. Andrew, which lies on the south side of the said river, shall be one distinct parish, and called by the name of Meherrin; and that all that part of the said parish which lies on the north side of the said river, shall be one other distinct parish, and retain the name of St. Andrew.

III. And be it further enacted by the authority aforesaid, That the freeholders and housekeepers of the said parishes of St. Andrew and Meherrin, respectively, shall meet at some convenient time and place, to be appointed and publickly advertised, by the sheriff of the said county of Brunswick, at least one month before the first day of September, next following, and then and there elect twelve of the most able and discreet persons of their respective parishes, for vestrymen in each of the said parishes, which vestrymen so elected, having in the court of the said county of Brunswick, taken and subscribed the oaths appointed to be taken, by one act of parliament, made in the first year of the reign of his majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall to all

intents and purposes be deemed and taken to be the vestries of the said parishes, respectively.

IV. *Provided always*, That nothing herein contained shall be construed to hinder the collector of the said parish of St. Andrew, as the same now is entire and undivided, from collecting or making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Meherrin, at the time of its taking place, but such collector shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, custom, or usage to the contrary thereof, in any wise, notwithstanding.

V. And whereas there is due and owing to the said parish of St. Andrew, divers sums of money, and quantities of tobacco, which have been heretofore levied on the tithable persons of the said parish, for defraying the contingent charges thereof. And also the vestry of the said parish, at the expense thereof, have lately purchased books, plate, and church ornaments of considerable value.

VI. *Be it therefore enacted by the authority aforesaid*, That the vestry of the said parish of St. Andrew, from and after being elected and qualified in manner aforesaid, shall have power and authority to demand and receive of all and every person and persons indebted to the said parish of St. Andrew, as it now stands entire and undivided, all debts and dues owing to the said parish, and after they shall have received the same, shall pay to the vestry of the said parish of Meherrin, for the use of their said parish, an equal part of all such money and tobacco, in proportion to the number of tithable persons in the said parishes respectively. And also shall reimburse and pay to the said parish of Meherrin, one third part of the sum of money first expended in the purchase of the said plate, and also the said parish of Meherrin, shall and may retain the books and ornaments that have hitherto been made use of in the chapels which are on the south side of the said river Meherrin.

CHAP. XIX.

An Act to impower the vestry of the parish of South Farnham, in the county of Essex, to sell the Glebe land of the said parish, and to lay out and apply the money arising by such sale, towards purchasing a more convenient Glebe, and erecting houses thereon.

Vestry of South-Farnham, in Essex county, authorised to sell their glebe.

I. WHEREAS the glebe of the parish of South Farnham, in the county of Essex, is very inconveniently situated, and the minister and vestry of the said parish have petitioned this General Assembly, for leave to sell the same, and to purchase a more convenient glebe.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the glebe land belonging to the said parish of South Farnham, containing about two hundred and fifty acres, be, and is hereby vested in the present vestry of the said parish, and the vestry of the said parish for the time being in trust. Nevertheless, that the said vestry, or the greater part of them, shall be impowered by deed of bargain and sale, indented and duly recorded, to convey the said glebe with the appurtenances, for a valuable consideration of money, *bona fide* received, to such person or persons as shall be willing to purchase the same, to hold to such purchaser or purchasers, his or their heirs and assigns for ever: And the money arising by such sale, shall be by them laid out and applied towards purchasing a more convenient glebe, and erecting houses thereon, for the use and benefit of the minister of the said parish, for the time being, for ever.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the minister and vestry of the said parish, all such right,

title, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed to the said glebe land, if this act had never been made.

CHAP. XX.

An Act for enabling the justices of the peace of the county of Elizabeth-City, and the minister and church-wardens of the parish of Elizabeth-City, in that county, to take and hold certain lands devised by the will of Benjamin Sym, for a free school, and other charitable uses.

I. WHEREAS Benjamin Sym, late of the county of Elizabeth-City, deceased, was in his life-time seised in fee-simple, of a tract or parcel of land, containing two hundred acres or thereabouts, with a marsh contiguous thereto; situate, lying, and being, in the county of Elizabeth-City, and being so seised, by his last will and testament bearing date the twelfth day of February, in the year of our lord, one thousand six hundred and thirty four, devised the use of the said land, (by the description of two hundred acres of land being in the Poquoson river) with the milk, and increase of eight milch cows, for the maintenance of a learned honest man, to keep upon the said ground a free school for the education and instruction of the children of the adjoining parishes of Elizabeth-City and Kiquotan, viz. from Mary's-mount downwards, to the Poquoson river, and declared his will and desire to be, that the justices of the peace of the said county, (by the name and title of the worshipful the commanders, and the rest of the commissioners of this liberty) with the minister and church-wardens of the said parish of Elizabeth-city, should see his said will, from time to time justly and truly performed, and further declared his will and desire to be, that when there should be a sufficient increase of the said cattle, part

Justices and church-wardens of Elizabeth-City, enabled to hold lands devised by Benjamin Sym, for a free school.

of them should be sold, and the money raised by such sale, laid out in building a school-house; and that the residue of the said increase, after the school-master should have a sufficient stock, should be applied towards repairing the school house, and maintaining poor children, or decayed or maimed persons, according to the direction of the said justices, minister, and church wardens.

II. And whereas the charitable intention of the said Benjamin Sym, the donor, hath not been effectually fulfilled. To the end that the said charity may be more beneficial for the future,

III. *BE it enacted by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same.* That the present justices of the peace of the said county of Elizabeth-City, and such as after them shall succeed to be justices of the peace for the said county, during the time they shall so continue justices; the present minister of the said parish of Elizabeth City, and such as after him shall succeed to be minister thereof, during the time they shall so continue or be in the same office, and the present church-wardens of the said parish of Elizabeth-City, and such as after them shall succeed to be church-wardens thereof, during the time they shall so continue in the same office; shall and may be trustees and governors of the said free school, and of the said tract or parcel of land and marsh, with the appurtenances at all times hereafter for ever: And that the said trustees and directors shall for ever hereafter stand and be incorporated, established and founded, in name and deed, a body politic and corporate, to have cotinuance forever, by the name of the trustees and governors of Sym's free school in the county of Elizabeth-City, and that they the said trustees and governors may have perpetual succession, and that by that name they and their successors may forever hereafter have, hold, and enjoy the above mentioned tract or parcel of land, containing by estimation two hundred acres, according to the known and reputed bounds thereof, and the marsh aforesaid, with the appurtenances; and that the said trustees and governors, and their successors, or the greater part of them, by the same name shall and may have power, ability and capacity, to demise, lease, and grant the said tract or parcel of land and marsh, with the appurtenances, and

the present stock of cattle being thereon, and belonging thereto, for any term of years not exceeding twenty one years, or for any term of years determinable upon one, two, or three lives, or for one, two, or three lives, reserving the best and most improved rent that can be got for the same; and to take, acquire, and purchase, and to sue, and be sued, and to do, perform, and execute all other lawful acts and things, good, necessary, and profitable, for the said corporation, in as full and ample a manner and form, to all intents, constructions and purposes, as any other incorporation, or body politic or corporate, fully, and perfectly founded and incorporated may do. And that the said trustees and governors, and their successors for the time being, may have and use a common seal for the making such their demises, leases, and grants, and for the doing all and every other thing and things, touching or in anywise concerning the said incorporation; and that the said trustees and governors, and their successors for the time being, or the greater part of them, shall and may have full power and authority, by writing under their common seal, to nominate and appoint when, and as often as they shall think good, such person as they shall approve of, to be master of the said free school; which said master, before he be received or admitted to keep school, shall undergo an examination before the minister of the said parish, for the time being, and produce a certificate of his capacity, and also a licence from the governor or commander in chief of this dominion, for the time being, agreeable to his majesty's instructions. And the said trustees and Governors, and their successors for the time being, shall and may have full power and authority to visit the said free school, and to order, reform, and redress all disorders and abuses in and touching the government and disposing of the same, and to remove the said master, as to them, or the greater part of them shall seem just, fit, and convenient. And that the said trustees and governors, and their successors, or the greater part of them for the time being, shall apply the rents to be paid for the said tract or parcel of land, with the appurtenances, and stock of cattle, aforesaid, to the maintenance of the said school-master, and erecting and keeping in repair, a sufficient school-house for his dwelling, and teaching the children of the adjoining parishes of Elizabeth-City and Kique-

tan, viz. from Mary's-Mount downwards, to the Potomac river; and the surplus, in case there shall be any, to the maintenance of such poor children, or decayed or maimed persons, as the said trustees and governors, and their successors, or the major part of them shall think fit.

III. *And be it further enacted by the authority aforesaid,* That the said trustees and governors, and their successors, or the greater part of them for the time being, shall have full power, ability and capacity, by the name aforesaid, to sue for, and recover all rents, and arrears of rent, and all and every sum and sums of money, due for the occupation of the said tract or parcel of land, by virtue of any agreement or contract, heretofore made with the present justices of the peace of the said county, and minister and church-wardens of the said parish, or their predecessors, or the greater part of them against the person and persons from whom the same are due, his and their executors and administrators; and also all damages sustained by occasion of not repairing the houses on the said tract of land, or by the occasion of the breach of any other part of such contract or agreement, any law, or custom to the contrary, notwithstanding.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their heirs and successors, other than the person and persons claiming as heir or heirs of the said Benjamin Sym, all such estate, right, title, claim and demand, which they, or any of them should or might have, of, in, to, or out of the premises, or any of them, or any part thereof.

CHAP. XXI.

An Act to enable the vestry of the parish of Blisland, in the counties of James City and New Kent, to sell a plantation and two hundred acres of land in the said parish, and to buy communion plate and ornaments for the lower church in that parish, with the purchase money.

I. WHEREAS Edward Wade, late of the parish of Wilmington, in the county of James City, deceased, did by his certain indentures of lease and release, bearing date the fifth and sixth days of March, in the year of our Lord, one thousand seven hundred and eighteen, for the consideration in the said release expressed, convey to George Woodward and William Barret, then churchwardens of the parish of Wilmington, in the counties of James City and Charles City, a plantation and two hundred acres of land, or thereabouts, situate in the said county of James City, to hold to them the said George Woodward and William Barret, churchwardens as aforesaid, and to their successors, for and to the only proper use and behoof of the said parish of Wilmington, and their assigns for ever, as by the said indenture, duly recorded in the county of James City may more fully appear. And whereas by an act of Assembly made in the ninth year of the reign of his late majesty king George the first, the said parish of Wilmington was dissolved, and part thereof added to the parish of Blisland, in the counties of James City and New Kent.

Vestry of parish of Blisland, in counties of James City and New-Kent, authorised to sell certain lands and purchase plate &c for the church.

II. And forasmuch as the minister, churchwardens and vestry, by their humble petition have represented to this General Assembly, that the houses on the said plantation are become ruinous and untenable, and that the said land is a charge, and of no manner of use to the said parish; *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the aforesaid plantation, and two hundred acres of land, with the appurtenances, shall,*

Z z—Vol. 6.

from and after the passing of this act, be, and are hereby vested and settled in the present minister, wardens, and vestry; and the minister, wardens, and vestry of the said parish of Blisland, for the time being in trust. Nevertheless that the said minister, wardens, and vestry, or the greater part of the vestry, by bargain and sale, or other deed or deeds, convey the said plantation and land, with the appurtenances, for a valuable consideration of money, *bona fide* received, to such person or persons as shall be willing to purchase the same, to hold to such purchaser or purchasers, his or their heirs and assigns for ever, and the money arising by such sale, shall be by the said minister, wardens, and vestry, laid out and applied towards purchasing communion plate and ornaments for the lower church in the said parish of Blisland.

II. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, bodies politic and corporate, their respective heirs and successors, other than the minister, wardens, and vestry of the said parish, all such right, title, estate, interest, claim and demand, as they, every, or any of them, should or might have had or claimed to the said plantation and land, if this act had never been made.

CHAP. XXII.

E^di. 1769.
p^a. 317.

An Act for clearing Mattapony river.

I. WHEREAS the upper part of the river Mattapony is useless to the inhabitants of this colony, by means of fish hedges and other obstructions therein, for remedy whereof.

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the honourable Richard Corbin, esquire, John Robinson, esquire, Lunsford Lomax, Edmund Pen-
dleton, Thomas Turner, Henry Robinson, John Bay-

Trustees appointed for clearing Mattapony river.

lor, and Thomas Johnson, gentlemen, be, and they are hereby appointed trustees, and they, or any four of them, are authorized, impowered and directed, to take and receive subscriptions, and to contract with any person or persons for clearing the said river Mattapony, who shall have full power and authority to remove all stops, which they, or the said trustees, shall think, in anywise obstruct the navigation of the same, as high as Burk's bridge, in the county of Caroline.

III. *And be it further enacted, by the authority aforesaid,* That the charge of taking up and destroying any hedges and stone stops, or any part of them that shall be standing or remaining in the said river Mattapony, on the last day of July next, or at any time thereafter, shall be repaid to the said trustees, by the person or persons to whose lands the said hedges or stops shall be adjacent or nearest to. And the said person or persons permitting them to remain as aforesaid, shall moreover be liable to the penalties imposed by the act of General Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for clearing rivers and creeks.

IV. *And be it further enacted,* That it shall and may be lawful for the said trustees, or any person or persons employed by them in execution of this act, to pass through, or go on shore, upon the lands of any person whatsoever, without being subject to an action of trespass for the same: And if any suit shall be commenced for any thing done in pursuance of this act, the person or persons sued, may plead the general issue, and give this act in evidence; and every court before whom such suit shall be prosecuted where a verdict shall be found for the defendant, or the plaintiff shall be nonsuited, shall award judgment for such defendant and treble costs.

V. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the said trustees, or persons employed by them, to cut or take off the lands of any person adjacent to the said river, such, and so much timber as shall be necessary for the purposes of this act, and the same shall be viewed and valued, as is directed by an act made in the twenty second year of his majesty's reign, intituled, An act concerning highways, mill-dams, and bridges, and shall be paid for by the said trustees.

VI. *And be it further enacted*, That in case of the death, removal out of the country, or other legal disability of any one or more of the trustees before named, it shall be lawful for the surviving or remaining trustees, or any four of them, from time to time, to elect and choose so many other persons in the room of those so dead or removed, as shall make up the number of eight; which trustees, so chosen, shall be vested with the same power, as any other in this act particularly named.

CHAP. XXIII.

An Act for erecting a town on Occoquan river, in the county of Fairfax.

Colchester
in Fairfax
county esta-
blished.

I. WHEREAS it hath been represented to this present General Assembly, that a town on Occoquan river, in the county of Fairfax, on the land of Peter Wagener, would be very convenient for trade and navigation, and greatly to the ease and advantage of the frontier inhabitants.

II. BE it therefore enacted, by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same, That within twelve months after the passing of this act, twenty five acres of land belonging to the said Peter Wagener, situate, lying and being on Occoquan river in the county of Fairfax, shall be surveyed and laid out by the surveyor of the said county, beginning on the upper side of the ferry landing, and extending down the said river, to the land of Waugh, thence back into the said Wagener's land, in such manner as the directors and trustees hereafter named shall appoint, order and direct, so as to include twenty five acres; and the said twenty five acres of land, so to be surveyed and laid out, shall be, and is hereby vested in Peter Wagener, Daniel McCarty, John Barry, William Elzy, and Edward Washington, gentlemen, in trust, and to and for the several purposes herein after mentioned; and the said Peter Wagener,

Daniel McCarty, John Barry, William Elzy, and Edward Washington, are hereby constituted and appointed directors and trustees for designing, building, carrying on and maintaining the said town, upon the land aforesaid. And the said directors and trustees, or any three of them, shall, and they hereby have power to meet as often as they shall think necessary, and shall lay out the said twenty five acres of land, into lots and streets, not exceeding half an acre of ground in one lot; and also to set apart such portion or portions of the said land for a market place and public landing, as to them shall seem meet and most convenient. And when the said town shall be so surveyed and laid out, the said directors and trustees shall, and they hereby have full power and authority to sell all the said lots by public sale or auction, from time to time, to the highest bidder; and when such lots shall be sold, any three of the said directors and trustees, shall and may, and they are hereby empowered and required, upon payment of the purchase money, by sufficient conveyance, or conveyances, to convey to the purchaser or purchasers of such lot or lots, the fee-simple estate and inheritance thereof, and he, she, or they, or his, her, and their heirs and assigns respectively, shall and may, for ever hereafter, peaceably and quietly have, hold, occupy, possess, and enjoy the same; freed and discharged from all right, title, claim, interest, and demand whatsoever, of the said Peter Wagener, his heirs and assigns, and of all other persons whatsoever, claiming or to claim, by, from, or under him.

III. *Provided always*, That the said directors and trustees, after deducting sufficient to reimburse the expence and charge of surveying and laying out the said land, shall pay, or cause to be paid to the said Peter Wagener, his heirs or assigns, all the money arising by the sale thereof.

IV. *And be it further enacted, by the authority aforesaid*, That the grantee or grantees of every such lot or lots, so to be sold and conveyed in the said town, shall, within two years next after the date of the conveyance of the same, erect, build, and finish on each lot so conveyed, one house of brick, stone, or wood, well framed, of the dimensions of twenty feet square, and nine feet pitch at the least, (or proportionable thereto, if such grantee shall have two or more lots

contiguous) with a brick or stone chimney, and the said directors and trustees, shall, and they hereby have full power and authority to establish such rules and orders, for the more regular and orderly placing the said houses, as to them shall seem meet. And if the owner or owners of any such lot or lots, shall fail to pursue and comply with the directions herein prescribed for the building and finishing one or more house or houses thereon, then such lot or lots upon which such house or houses shall not be so built, and finished, shall be, and the same hereby is re-invested in the said directors and trustees, and shall and may be sold and conveyed to any other person or persons whatsoever, in the manner before directed, and shall revert and be again sold, as often as the owner or owners shall fail to obey, perform, and fulfil the directions aforesaid; and the money arising by the sale of such lot or lots, as shall be reverted and sold as aforesaid, shall be by the said directors and trustees, from time to time, applied to such public use, for the common benefit of the inhabitants of the said town, as to them shall seem most proper. And if the inhabitants of the said town shall fail to comply with, obey and pursue the rules and orders of the said directors and trustees, in repairing and mending the streets, landings, and public wharfs, they shall be liable and subject to the same penalties, as are by law inflicted for not repairing the highways of this colony. And for continuing the succession of the said directors and trustees, until the governor of this colony shall incorporate some other persons by letters patent under the seal of this colony, to be one body politic and corporate, to whom the government of the said town shall be committed.

V. *Be it further enacted*, That in case of the death of any of the said directors and trustees, or of their refusal to act, the surviving, or other directors and trustees, or the major part of them, shall, and they are hereby impowered and required to assemble, and from time to time, by instrument under their hands and seals to nominate and appoint some other person or persons being an inhabitant or freeholder of the said town, in the place of him or them so dying or refusing; which new director and trustee, or directors and trustees, so nominated and appointed, shall, from thenceforth have the same power and authority in all

things relating to the matters herein contained, as if he or they had been expressly named and appointed by this act; and every such instrument and nomination shall, from time to time, be recorded in books of the said directors and trustees.

VI. And be it further enacted by the authority aforesaid, That the said town shall be called by the name of Colchester.

VII. And be it further enacted, That it shall not be lawful for any person or persons whatsoever, to erect or build, or cause to be erected or built in the said town, any wooden chimney; and if any wooden chimney shall be built contrary to this act, it shall and may be lawful for the sheriff of the said county of Fairfax, and he is hereby required and commanded from time to time to cause all such wooden chimnies to be pulled down and destroyed.

CHAP. XXIV.

An Act to dock the intail of certain lands whereof Gerard Alexander is seised, and for settling other lands and slaves of greater value to the same uses.

I. WHEREAS Robert Alexander, of the county of Stafford, deceased, was in his life time, and at the time of his death, seised in fee-simple, of, and in one certain tract or parcel of land, containing by estimation six thousand acres, with the appurtenances, lying and being in the parish of Truro, then in the county of Prince William, but now in the county of Fairfax; and being so seised, did make his last will and testament in writing, bearing date the twenty eighth day of April, in the year of our Lord one thousand seven hundred and thirty five, and thereby, among other things, did give and devise unto his son Gerard Alexander the Island in Prince William county, whereon the said Gerard at that time lived, called Holm's Island; also eleven hundred and twenty five acres of

Intail of certain lands, in Fairfax whereof Gerard, Alexander is seised, docked.

land joining to the said island, being part of the aforesaid tract of six thousand acres, and devised the remainder of the said tract, and the residue of his whole estate, which consisted of negroes, &c. to be equally divided between his two sons, John and Gerard Alexander, and their heirs for ever; and by a subsequent clause in the said will, the said Robert Alexander did devise, that all the lands and negroes he had devised by the said will, except those negroes specifically given to Gerard Alexander, should be intailed from heir to heir, as by the said will, duly recorded in the county court of Stafford, may more at large appear: And some time after making the said will, the said Robert died, so seised, after whose death the said John and Gerard Alexander, entered into the said lands, and took possession of the said negroes, and having made partition and division thereof, one thousand two hundred and eighty six acres of land, and four negroes, (all which are since dead) were allotted to the said Gerard, as his part of the land and negroes so to be divided; into which the said Gerard entered, and also those other lands particularly devised to him the said Gerard, by Robert the testator, amounting in the whole to two thousand seven hundred and thirteen acres, and became thereof seised in fee-tail. And whereas the said Gerard Alexander is, and stands seised in fee-simple, of, and in two tracts of land, the one lying in the parish of Frederick, in the county of Frederick, granted by the lord proprietor of the northern neck, to the said Gerard, containing by estimation eight hundred and seventy three acres; the other in the parish of Cameron, in the county of Fairfax, containing five hundred and forty acres, and upwards, lately purchased of Nathaniel Smith; upon which said tracts he hath made very considerable improvements, and is also possessed of ten slaves, named Robin, Stire, Nell, Nan, David, Will, Milley, Rose, Solomon, and Joe, all Virginia born, as of his own proper slaves; and it will be for the benefit and advantage of the heir in tail, and those claiming in remainder and reversion under the will of the said Robert, to dock the intail of the said tract or parcel of land in the county of Fairfax, and to settle his said other lands, in the counties of Fairfax and Frederick, with the slaves aforesaid to be annexed thereto, being of greater value to the same uses. And forasmuch as

notice has been published three Sundays successively, in the several churches in the said parish of Truro, that application would be made to this General Assembly, to dock the intail of the said two thousand seven hundred and thirteen acres of land, and to settle other lands and slaves of greater value to the same uses, pursuant to your majesty's instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said Gerard Alexander, that it may be enacted, *And be it enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said tract or parcel of land, with the appurtenances, containing two thousand seven hundred and thirteen acres, lying and being in the parish of Truro, and county of Fairfax, so as aforesaid, devised by the last will and testament of the said Robert Alexander, and whereof the said Gerard Alexander is seised in fee-tail; be, and the same is hereby vested in the said Gerard Alexander, his heirs and assigns, to the only use and behoof of him the said Gerard, his heirs and assigns for ever. And that the said two several tracts or parcels of land herein before mentioned, the one granted by the Lord proprietor of the northern neck, to him the said Gerard; and the other purchased of Nathaniel Smith; and all and every the slaves before named, together with the future increase of the said female slaves, be, and the same are hereby vested in the said Gerard Alexander, and the heirs of his body lawfully begotten; and on failure of such heirs the same shall remain and descend to such person and persons, in the same manner, and under the same limitations and remainders, successively, as the said lands would have remained and descended, by virtue of the said before recited last will and testament of the said Robert Alexander, if this act had never been made.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Robert Alexander, all such right, title, interest, claim, and demand, as they, every, or any of them, should or might claim, if this act had never been made.

A A A—Vol. 6.

IV. *Provided always*, That the execution of this act shall be, and is hereby suspended, until his majesty's approbation thereof shall be obtained.

CHAP. XXV.

An Act for docking the intail of certain lands in the county of Middlesex, and vesting the same in Robert Chew in fee-simple, and for settling other lands and slaves of greater value to the same uses.

**Intail of cer-
tain lands in
Middlesex,
docked and
vested in Ro-
bert Chew in
fee.** I. WHEREAS Richard Perrot late of the county of Middlesex, deceased, was, in his lifetime seised in fee-simple, of, and in one certain tract or parcel of land, called Perrot's-neck, containing by estimation fourteen hundred and fifty acres or thereabouts, being the plantation whereon he lived, with the appurtenances, lying and being in the parish of Christ Church, in the county of Middlesex, aforesaid; and being so seised, made his last will and testament in writing, bearing date the twentieth day of July, in the year of our lord, one thousand six hundred and eighty six, and thereby, among other things, he did give and devise to his wife Margaret Perrot, the said plantation, with the stock thereunto belonging, to be by her used and enjoyed, during her natural life, in full and ample satisfaction of all dower, and title of dower, due to her by the law; and further he did give and devise unto Henry Perrot the elder, son of his son, Richard Perrot, the said plantation he then lived upon, together with the whole tract or tracts of land thereunto belonging, or adjoining thereunto, with all plantations thereupon, and to the heirs of his body lawfully to be begotten, forever, to be held and enjoyed after the decease of his said wife; and for want of such heirs, to Richard Perrot, the brother of the said Henry Perrot, his grandson, and to the heirs of his body to be lawfully begotten, and for want of such heirs, to descend to his right heirs for ever, as in the said will proved and

recorded in the court of the said county of Middlesex, more fully is contained. And soon after making the said will, the said testator departed this life; after whose death, and the death of his said wife, the said Henry Perrot entered into the said lands with the appurtenances, and died seised thereof without issue, and after his death the said Richard Perrot the grandson, entered into the said lands with the appurtenances, and died thereof seised, leaving issue Henry Perrot, his eldest son, who entered into the same, and died thereof seised, leaving issue Mary Perrot his only child and heir, who hath since intermarried with Robert Chew of the county of Spotsylvania, and the said Robert Chew, and Mary his wife, in right of the said Mary have entered into, and are now seised of the said lands, with the appurtenances, in fee-tail. And whereas the said Robert Chew is seised in fee-simple of a certain tract or parcel of land, containing by estimation four hundred acres, lying and being in the parish of Saint George, in the county of Spotsylvania aforesaid, which he purchased of Achilles Bowker, and Martha, his wife; and of one other tract or parcel of land, containing by estimation, seven hundred and thirty seven acres, lying and being in the parish and county last mentioned, lately purchased by him of Thomas Forster and Elizabeth his wife, adjoining to the last mentioned tract; and of another tract or parcel of land, containing six hundred and fifty acres, in the parish and county last mentioned, which descended to him from his mother, Margaret Chew deceased; and was granted to Harry Beverley, gentleman, deceased, by patent bearing date the twenty seventh day of February, one thousand seven hundred and nineteen; and is also possessed of six slaves, named Captain, Samson, Major, Sarah, Lucy, and Nanny, as of his own proper slaves; which said three tracts of land in the county of Spotsylvania, and six slaves, are of greater value than the said tract of land in the county of Middlesex; and the said Robert Chew, and Mary his wife, are desirous to dock the intail of said land in Middlesex county, and to settle the said lands in Spotsylvania county, with the slaves aforesaid, to be annexed thereto, to the same uses in lieu thereof; which will be to the advantage of the said Robert Chew, and Mary his wife, and of those claiming under the will of the said Richard Perrot the elder. And

forasmuch as notice hath been published in the several churches of the said parish of Christ-Church, that application would be made to this General Assembly, to dock the intail of the said fourteen hundred and fifty acres of land called Perrot's-Neck, and to settle other lands and slaves of greater value to the same uses, pursuant to your majesty's instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said Robert Chew, and Mary his wife, that it may be enacted, *And be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said tract or parcel of land, called Perrot's-Neck, containing fourteen hundred and fifty acres, with the appurtenances, in the county of Middlesex, so as aforesaid devised by the last will and testament of the said Richard Perrot the elder, be, and the same is hereby vested in the said Robert Chew, his heirs and assigns, to the only use and behoof of him the said Robert Chew, his heirs and assigns forever; and that the said three tracts or parcels of land, herein before mentioned, lying and being in the county of Spotsylvania, containing together seventeen hundred and eighty seven acres, or thereabouts, with the appurtenances, and the six slaves herein before named, together with the future increase of the said female slaves, be, and the same are hereby vested in the said Robert Chew, and Mary his wife, to such use and uses, and for such estate and estates, and subject to the like limitations, as the said tract of land called Perrot's-Neck, in the county of Middlesex, is and stands limited by the last will and testament of the said Richard Perrot the elder.

III. Saving to the king's most excellent majesty, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Richard Perrot the elder, all such right, title, estate, interest, claim and demand, as they, every, or any of them, should or might have or claim, if this act had never been made.

IV. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXVI.

An Act to impower John Armistead, gent. to sell and dispose of certain intailed lands, to raise money for the performance of his father's will.

I. WHEREAS Thomas Meriwether late of the parish of South-Farnham, in county of Essex, gentleman, deceased, was in his life-time, and at the time of his death, seised in fee-simple, of, and in one thousand seven hundred and ten acres of land, with the appurtenances, lying and being in the parish of South-Farnham, in the county of Essex, aforesaid, and also of, and in eight lots of land in the town of Tappahannock, in the said county, and being so thereof seised, did make his last will and testament in writing, bearing date the seventh day of of January, in the year of our lord one thousand seven hundred and eight, and thereby, devised the same to his young daughter, who was not then baptized, but was afterwards baptized by the name of Susannah, by the description of all the rest of his lands he had in Virginia, or elsewhere, and to the heirs of her body lawfully begotten, for ever, with divers limitations over, in case of failure of issue of the body of the said Susanna: And some time after making the said will the said Thomas Meriwether died, whereby the said Susannah became seised of the said one thousand seven hundred and ten acres of land, and eight lots aforesaid, in tail, under the limitations and restrictions in the will of the said Thomas Meriwether mentioned. And whereas the said Susanna, after the death of the said Thomas, did intermarry with John Armistead, of the county of Gloucester, gentleman, by whom she had issue, John Armistead her eldest son and heir. And whereas some time after the death of the said testator, his said daughter Susanna departed this life, whereby the said lands so devised to her, became vested in her said son John Armistead, who is now thereof seised. And whereas John Armistead the father, by his last will and testament in writing, bearing date the ninth day of April, in the

John Armistead authorized to sell certain intailed lands, in Essex, of the inheritance of his mother late Susannah Meriwether.

year of our lord, one thousand seven hundred and thirty four, did give and devise unto his daughter Susanna, six hundred pounds sterling, to be paid her when she should attain the age of twenty one years, or marriage: And did also by his said will give and devise unto his son William Armistead, six hundred pounds sterling, and did direct that the same should be paid him by the said John Armistead the younger, when he should arrive at the age of twenty one years. And whereas the said Susanna has since intermarried with one Moore Fantleroy, of the county of Richmond, who soon after his marriage brought suit against the said John Armistead, the younger, in the county court of Gloucester, and obtained a decree against him for the said sum of six hundred pounds sterling, so as aforesaid given to the said Susanna, by the said John Armistead the elder, with interest thereon from the time of his marriage. And the said William Armistead is arrived at the age of twenty one years, both which legacies still remain unpaid. And whereas the said John Armistead the younger hath not any lands whereof he is seised in fee-simple, or which he can sell in order to discharge the said legacies so as aforesaid given, and it will be very much to the disadvantage of the said John Armistead the younger, and his posterity, if the slaves given him by his said father, were to be sold in order to pay the aforesaid legacies; which, if sufficient for that purpose, would render the remaining part of his lands of little or no benefit to him and his posterity. And whereas notice has been published three Sundays successively, in the several churches in the said parish of South-Farnham, that application would be made to this General Assembly, for leave to sell and dispose of the said lands pursuant to your majesty's instructions.

II. May it therefore please your most excellent majesty, at the humble suit of the said John Armistead, that it may be enacted, *And be it enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful, to and for the said John Armistead the younger, and in case of his death, his executors and administrators, and he and they, are hereby severally empowered, to sell to any person or persons, who shall be willing to purchase the said

one thousand seven hundred and ten acres of land, and eight lots of land aforesaid; and to make and execute all deeds and conveyances necessary in law, for assuring unto such purchaser or purchasers, a good estate in fee simple, in the lands so to be purchased; and such purchaser or purchasers by virtue of such deeds and conveyances, and of this act, shall, forever hereafter, peaceably and quietly hold and enjoy the said lands, so purchased, to them and their heirs for ever: But the consideration money shall be paid by such purchaser or purchasers, to Ralph Wormeley, Christopher Robinson, Beverley Whiting, John Page, and Edmund Berkeley, gentlemen, in trust, and shall be by them, or the greater part of them, applied for and towards the payment and discharge of the legacies given by the said John Armistead, the elder, as aforesaid.

III. Saving to the king's most excellent majesty, his heirs and successors, and unto all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said Thomas Meriwether, deceased, all such right, title, estate, interest, claim and demand, as they, every, or any of them, should or might have had or claimed, if this act had never been made.

IV. *Provided always*, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXVII.

An Act for docking the intail of a tract of land in the parish of Abingdon, in the county of Gloucester, whereof Lawrence Smith, gentleman, is seised, and settling other lands and slaves of greater value, to the same uses.

I. WHEREAS Lawrence Smith, formerly of the parish of Abingdon, in the county of Gloucester, gentleman, deceased, was in his life time seised in fee-

Intail of certain lands in Gloucester, whereof Lawrence Smith, is seized docked.

simple of a tract or parcel of land, situate, lying and being in the said parish of Abingdon, and county of Gloucester, containing by estimation thirteen hundred acres, and being so seised, by a certain deed poll, bearing date the twelfth day of June, in the year of our Lord one thousand six hundred and ninety one, out of the natural love and affection he bore to his son John Smith, and for his future advancement and good livelihood, did give, grant, alien, release, and confirm unto his said son John Smith, and to the heirs of his body lawfully to be begotten, under, and upon the several conditions and limitations in the said deed after set down, and expressed, the above mentioned tract or parcel of land (by the description of all and singular that plantation, tract and seat of land, whereon he then lived, situate and being in the parish of Abingdon, aforesaid, and containing by estimation thirteen hundred acres, be the same more or less) and another plantation and tract of land in the said deed mentioned, with the appurtenances, to have and to hold the aforesaid two plantations, lands, and other the premises, to his said son John, and to the heirs male of his body, to his and their use and behoof for ever. *Provided always*, nevertheless, and upon this condition, and it was declared to be the true intent and meaning of the said deed, that it should not be lawful for his said son John Smith, nor the heirs male of his body, actually to take possession of either of the aforesaid plantations, or any of the other premises, during the natural life of him the said Lawrence Smith, and Mary his wife, without their allowance, consent, and good liking, any thing in the said deed to the contrary notwithstanding. And further the said Lawrence Smith, by the said deed declared, ordered, willed and appointed, and it was expressed to be the true meaning of that his said deed of gift, that if his said son John Smith should happen to die, without male heirs of his body, then, and in such case, the aforesaid two plantations, with their, and every of their appurtenances, should be, descend, remain, and continue to the next heir male of the said Lawrence Smith, and the heirs male of his body forever, and so in a continued succession, from male heir, to male heir, forever; and in case all his male heirs should fail and be extinct, then the said Lawrence Smith granted all and singular the lands, plantations, and

premises aforesaid, unto the next surviving heir of his blood, and to his, or her, or their heirs and assigns for ever. And lastly, the said Lawrence Smith, for further explaining his intent and meaning of that his said deed of gift, did order and appoint that his said son John Smith, nor the heirs male of his body, or any other of the said Lawrence Smith, his heirs male, into whose hand and possession the said lands should or might happen to come and descend, should not make nor pass any manner of estate of the said lands away, by any means whatsoever, to defeat the next heir male, contrary to the said Lawrence Smith, his true intent and meaning; nor lease out any part of both, or either of the said plantations, for longer time than eleven years; reserving and assuring in such leases, if any made, the ancient and accustomed rents, to the person or persons to whom the lands were descendable, as by the said deed acknowledged by the said Lawrence Smith, in the court of the said county of Gloucester, and remaining of record there may appear: After making which said deed the said Lawrence Smith, and Mary his wife, departed this life, and after their death the said John Smith, by virtue of the said deed, entered into, and was seised of the said tract of land in the parish of Abingdon, and died so seised, leaving Lawrence Smith his son and heir male, of his body begotten, who after the death of the said John Smith, entered into, and was seised of the said tract of land, in the parish of Abingdon, and died so seised, leaving Lawrence Smith, of the said county of Gloucester, gentleman, his son and heir male, of his body begotten, who afterwards entered, and was, and is seised of the said tract of land, in the parish of Abingdon, with the appurtenances, by virtue of the said deed of gift. And whereas the said Lawrence Smith, the great grandson of the above named Lawrence Smith, the donor, is possessed of but a very small number of slaves, which are not sufficient to cultivate and improve the said tract of land in the parish of Abingdon, and without which the same will be unprofitable and chargeable to him and his posterity. And whereas the said Lawrence Smith, the great grandson, and Warner Lewis of the county of Gloucester, gentlemen, have agreed, that in case the intail of the said tract of land in the parish of Abingdon, shall be docked, and the same be vested in

the said Warner Lewis, in fee-simple, four thousand acres of land, situate, lying and being in the county of Spotsylvania, whereof the said Warner Lewis is seised in fee-simple, shall be vested in the said Lawrence Smith, the great grandson, and settled to the uses declared in the said deed; and that the said Warner Lewis shall moreover pay the sum of four hundred and fifty pounds sterling, (which sum the said Warner Lewis hath sufficiently secured to be paid to the trustees herein after named) to be laid out in purchasing slaves to be settled to the same uses; which said four thousand acres of land, and slaves, are of greater value than the said tract of land in the parish of Abingdon, and county of Gloucester, and will be more beneficial and profitable to the said Lawrence Smith, the great grandson, and all other persons claiming under the said deed, more especially as the value of the said lands in Spotsylvania, and the number of the said slaves to be settled therewith, will be daily increasing. And forasmuch as notice hath been published three Sundays successively, in the church of the said parish of Abingdon, that application would be made to this present General Assembly, to dock the intail of the said lands in the parish of Abingdon, and county of Gloucester, pursuant to your majesty's instructions.

II. May it please your most excellent majesty, at the humble suit of the said Lawrence Smith, the great grandson, and Warner Lewis, that it may be enacted, *And be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the commencement of this act, the said tract or parcel of land, situate, lying and being in the parish of Abingdon, and county of Gloucester, containing by estimation thirteen hundred acres, be the same more or less, which was given by the said Lawrence Smith, the great grandfather, to his son the above named John Smith, by the deed afore recited, with the appurtenances, shall be, and the same is hereby vested in the said Warner Lewis, his heirs and assigns for ever: to have and to hold the said tract or parcel of land in the parish of Abingdon, and county of Gloucester, with the appurtenances, unto him the said Warner Lewis, his heirs and assigns forever, to the only proper use of him the said Warner Lewis,

his heirs and assigns for ever. And that the said tract or parcel of land, situate, lying and being in the said county of Spotsylvania, bounded as follows, to wit, Beginning at a corner of the land of the said Warner Lewis and Zachary Lewis, on Pamunkey river; thence by the said Zachary Lewis's line, up to Henry Lewis's corner; thence by his line, to the line of Henry Chiles; thence by Wyat's line; thence to Douglas's run; and thence by Douglas's run, down the same to Pamunkey river; and thence by Pamunkey river, down the same to the beginning, containing four thousand acres, with the appurtenances, shall be, and the same is hereby vested in Mann Page, John Page, Ralph Wormeley, Bernard Moore, Samuel Buckner, and Thomas Whiting, gentlemen, and their heirs in trust, to and for the use of the said Lawrence Smith, the great grandson, and the heirs male of his body begotten, and on failure of such heirs in trust, to and for the use of all and every such person and persons, for such estate and estates, and in such manner and form as the said lands in the parish of Abingdon, and county of Gloucester, would have remained, gone and descended by virtue of the limitations in the deed of the said Lawrence Smith, the great grandfather above mentioned, if this act had not been made.

III. *And be it further enacted, by the authority aforesaid,* That the above named Mann Page, John Page, Ralph Wormeley, Bernard Moore, Samuel Buckner, and Thomas Whiting, or any four of them, after they shall have received the said sum of four hundred and fifty pounds sterling, from the said Warner Lewis, shall lay out the same, in purchasing young negroe, or other slaves, of which one third at least shall be females, and shall cause the names of all the said slaves to be recorded in the court of the said county of Spotsylvania, and after such slaves shall be purchased, the same and their increase, shall be, and are hereby vested in the said Mann Page, John Page, Ralph Wormeley, Bernard Moore, Samuel Buckner, and Thomas Whiting, and their heirs in trust, to, and for the several uses herein before declared and expressed; and shall be, and are hereby annexed to the said tract or parcel of land in the county of Spotsylvania, and therewith, from time to time, and at all times hereafter, shall pass, descend, and go to the person and persons, to whom the said tract or parcel of

land in the county of Spotsylvania, shall descend and come, provided that the said slaves so annexed to the said land in Spotsylvania, and their increase shall not be liable to be taken in execution, and sold for the satisfying and paying the debts of the said Lawrence Smith, the great grandson, or any other person who shall be tenant in tail of the said land in Spotsylvania, otherwise than the said land in the parish of Abingdon, before the passing of this act was liable.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the person or persons claiming the lands herein before mentioned, under the said deed of gift of all such right, title, estate, interest, claim, and demand, as they, every, or any of them, should or might have had or claimed, if this act had never been made.

IV. *Provided*, That the execution of this act shall be suspended until his majesty's assent thereto shall be obtained.

CHAP. XXVIII.

An Act for establishing an agreement made between Philip Johnson, and William Armistead, gentlemen.

Agreement between Philip Johnson and William Armistead concerning lands in James-City and lots in Williamsburg established.

WHEREAS David Bray the elder, late of the parish of Wilmington, in the county of James City, gentleman, deceased, in his lifetime, and at the time of his death, was seised in fee-simple, of, and in four lots of land in the city of Williamsburg, and several tracts or parcels of land, in the said county of James City, containing by estimation nine hundred and fifty acres, or thereabouts, and of, and in another tract or parcel lying in the county of Charles-City, containing by estimation, eighteen hundred and fifty acres or thereabouts, known by the name of Nance's-Neck; and being so seised, by his last will and testament in writing, bearing date the twenty first day of October, one

thousand seven hundred and seventeen, devised all his lands to David Bray his son, and declared his will and meaning to be, that if his said son David should live till he came to the age of twenty one years, and should not have issue of his body lawfully begotten, he should not sell or dispose of any of the said lands, until he had such issue; but if he should live to have such issue of his body, and attain the age of twenty one years, if both the things should happen, he gave his said son all his lands to him and his heirs forever; but in case he should die, before he had lawful issue, he gave all his said lands to his brother James Bray, and the heirs male of his body lawfully begotten, and in default of such issue, declared his will to be, that his said lands should be equally divided between the heirs of his said brother James Bray, and the lawful heir of his late deceased sister, Ann Ingles, late wife of Mungo Ingles, as by the said will, recorded in the court of the said county of James-City, may, among other things appear. And after the death of the said David Bray the father, the said David Bray the son, entered into the said lands, and died seised thereof, without issue of his body; and the said testator's brother James Bray in the said will named died, leaving issue Thomas Bray, his eldest son, and heir male of his body, who after the death of the said David Bray the son, entered into the said lands, and died seised thereof, without heir male of his body, leaving a daughter named Elizabeth, then and now the wife of Philip Johnson, of the county of King and Queen, gentleman, having first made his last will and testament in writing, bearing date the seventh day of May, one thousand seven hundred and fifty one, and thereby devised the remainder in fee-simple, of one moiety of the said lands to Benjamin Waller, and William Prentis, gentleman, in trust, to, and for several uses in the said will mentioned, as by the said will remaining of record, in the court of the said county of James City, may among other things appear. And whereas one Judith Bray Ingles, was heir at law of the said Ann Ingles, the sister of the said David Bray the father, and named in his will, and is intitled to the other moiety of the said lands, and hath lately married one William Armistead, gent. And whereas at a general court, held at the court-house in Williamsburg, the eleventh day of October one thousand seven hundred

and fifty two, in a suit in chancery, between the said Philip Johnson, plaintiff, and the said Benjamin Waller, and William Prentis, defendants, it was decreed and ordered by the said court, that the said Benjamin Waller, and William Prentis, should convey unto John Robinson, esquire, all the lands and slaves devised to them by the said Thomas Bray, to hold to the said John Robinson, his heirs and assigns, in trust, as to one moiety thereof, to, and for the use of the said Philip Johnson, during his natural life, and after his decease, in trust, to, and for the use of such child, or children, as the said Philip then had, or might thereafter have by the abovenamed Elizabeth, his wife, to whom he should give or devise the same; by his deed, will, or other instrument in writing, duly made and executed, and to his, her or their heirs and assigns forever; subject nevertheless, to the dower of the said Elizabeth therein; and as to the other moiety in trust, to and for the use of the said Philip Johnson, his heirs and assigns forever, in case he shall pay unto such child or children, of him and the said Elizabeth, all and every such sum and sums of money, as the said Elizabeth, notwithstanding her coverture, shall by any deed or instrument in writing, duly executed by her, give, direct and appoint, according to a proviso and his covenant, contained in a certain indenture of release: But in case the said Philip Johnson, shall not pay such sum of money, then in trust, to and for the use of such child or children aforesaid, to whom the said Elizabeth, by such deed or instrument in writing, shall give, direct and appoint the same: And in case the said Elizabeth, shall execute no such deed or instrument, then in trust to and for the use of the said Philip Johnson, during his natural life, and after his decease, in trust, and to, and for the use of such child or children as the said Philip Johnson then had or might thereafter have by the said Elizabeth, to whom he shall give or devise the same, by his deed or will as aforesaid, and to the heirs and assigns of such child or children forever; subject nevertheless to the dower of the said Elizabeth, therein, as by the record and proceedings of the said suit in chancery, remaining in the general court aforesaid may among other things appear: And the said Benjamin Waller, and William Prentis, have accordingly conveyed to the said John Robinson, and his heirs, the said lands and slaves in trust, and

to, and for the several uses in the said decree mentioned. And whereas in case partition shall be made of the said lands, between the said Philip Johnson and Elizabeth his wife, and the said William Armistead and Judith Bray, his wife, the value of the said lands will be considerably diminished, and it will be more beneficial to all parties claiming the same, if they shall remain entire; and the said Philip Johnson, and William Armistead, have agreed, that all the said tract of land known by the name of Nance's neck, with the appurtenances, and two of the said lots of land, adjoining the lots of Dudley Digges, gentleman, and James Spiers, in Francis-street, in the said city, shall be vested in the said William Armistead, and Judith Bray his wife, and the heirs of the said Judith Bray; to hold to them in the same manner, and for the same estate, as they would have had and held the moiety thereof, if this act had not been made: And that the other two lots of land lying in the said street, between the lots of Benjamin Harrison, gentleman, and the said Benjamin Waller, and all the said tracts or parcels of land in the county of James City aforesaid, with the appurtenances, shall be vested in the said John Robinson, to hold to him, his heirs and assigns in trust, and to and for the same uses, and in the same manner, as the said John Robinson and his heirs would have had and held one moiety thereof, if this act had not been made: And that the said William Armistead shall pay to the said John Robinson the sum of three hundred and ninety pounds, the value of one moiety of the said tract of land, known by the name of Nance's-neck, more than the value of the said tracts or parcels of land in the said county of James-City, to be laid out by the said John Robinson in purchasing slaves, to be held by him in trust, to and for the same uses, and in the same manner, as the lands and slaves conveyed to him by the said Benjamin Waller and William Prentiss, as aforesaid, which agreement the said Judith Bray, the wife of the said William Armistead, and the said Elizabeth, the wife of the said Philip Johnson, are willing to have confirmed.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the agreement above mentioned between the said parties, be, and is hereby confirmed and established, and shall forever hereafter be valid

and binding between them and their heirs, and all others claiming under them. And that all the aforesaid tract of land, known by the name of Nafce's neck, and every part thereof with the appurtenances, and the said two lots of land adjoining the lots of the said Dudley Digges and James Spiers, shall be, and the same are hereby vested in, and shall be held, possessed and enjoyed by the said William Armistead, and Judith Bray his wife, and her heirs, and they shall be seised thereof in the same manner, and of, and in the same estate, as they would have had, held, and been seised of, in the one moiety thereof, if this act had not been made. And that all the aforesaid tracts or parcels of lands, in the said county of James City, with the appurtenances, and the said two lots of land, lying between the lots of the said Benjamin Harrison, and Benjamin Waller, shall be, and the same are hereby vested in, and shall be held by the said John Robinson, his heirs and assigns, and he, and they shall be seised of the same, in the same manner, and of, and in the same estate, and in trust, and to, and for the same uses as the lands and slaves conveyed to him the said John Robinson, by the said Benjamin Waller, and William Prentis as aforesaid; and that the said John Robinson, his heirs, executors, and administrators, after the above mentioned three hundred and ninety pounds shall be paid to him or them, shall lay out the same in purchasing slaves, and the said John Robinson, his heirs, executors, and administrators, shall hold and be possessed of such slaves so to be purchased, in trust, and to, and for the same uses as the lands and slaves conveyed to him by the said Benjamin Waller, and William Prentis, as aforesaid, a list of the names of which slaves shall be, by the said John Robinson, returned to the court of the said county of James City, there to be recorded.

III. Saving to the king's most excellent majesty, his heirs and successors, and every other person and persons, bodies politic and corporate, their respective heirs and successors, all such right, title, estate, interest, claim, and demand, of, in, or to either of the above mentioned tracts of land, other than the persons claiming under the said Judith Bray, the wife of the said William Armistead, and the last will and testament of the above named Thomas Bray, or either of them, as they, every, or any of them should or might claim, if this act had not been made.

ANNO REGNI

GEORGE II,

Regis, Angliæ, Scotiæ, Franciæ, et
Hiberniæ, vicessimo septimo.

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1752. And from thence continued by several prorogations, to Thursday the 14th day of February, in the 27th year of his majesty's reign, and in the year of our Lord 1754, and then held at the Capitol in the City of Williamsburg; being the third session of this Assembly.

Robert Dinwiddie, esq.
Governor.

CHAP. I.

An Act for the encouragement and protection of the settlers upon the waters of the Mississippi.

Edit. 1769, p. 318.

I. Whereas many of his majesty's faithful subjects have been encouraged by the acts of the General Assembly heretofore made, to settle and inhabit on his lands in this colony, in and near the waters of the river Mississippi, and it hath been represented to this present General Assembly, that the subjects of the

Preamble.

C & c—Vol. 6.

French king, and by their instigation, the Indians in alliance with them have encroached on his majesty's said lands, murdered some of his subjects, and taken others captive, and spoiled them of their goods and effects, and are endeavouring to seduce the Indians in friendship with us; and this General Assembly, considering the present exigency, the low circumstances of the treasury, and that the funds already appropriated by law are not sufficient to protect his majesty's subjects from the like cruelties and depredations, but willing to testify our zeal for his majesty's service, and the interest of this country, and to prevent such mischiefs for the future, are desirous that it may be enacted, and,

Treasurer
impowered
to borrow
money at 6
per cent.

Directors
appointed.

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this colony, shall, and he is hereby impowered and required, to borrow a sum of money, not exceeding ten thousand pounds, or so much thereof as shall be found necessary and expedient, at an interest of six per centum, and that the honourable William Nelson, Thomas Nelson, Philip Grymes, and Peter Randolph esquires, John Robinson, esquire, Charles Carter, Carter Burwell, Benjamin Waller, Richard Bland, James Power, William Digges, Dudley Digges, John Page, and John Chiswell, gentlemen, or any nine of them, shall, from time to time, with the consent and approbation of the governor or commander in chief, for the time being, direct and appoint how the said money shall be applied, towards the protecting and defending his majesty's subjects, who now are settled, or hereafter shall settle, on the waters of the river Mississippi, and that the said directors shall, as often as there shall be occasion of money for the uses aforesaid, apply themselves to the governor, or commander in chief for the time being, to issue out his warrant to the said treasurer to pay so much money as shall be wanting for the purposes aforesaid, who is hereby required to pay the same, accordingly: And the said directors shall keep an account of their proceedings, and of the several particular services for which they shall appoint the said money to be laid out in pursuance of this act, and lay the same before the General Assembly when thereto required. And for raising a fund to repay the money to be so borrowed as aforesaid, and interest.

III. *Be it further enacted, by the authority aforesaid,* ^{Additional duty on slaves, imported.} That from and after the passing of this act, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony and dominion for sale, either by land or water, from any part or place whatsoever, by the buyer or purchaser, after the rate of five per centum, on the amount of each respective purchase, over and above the duty already laid upon slaves imported as aforesaid; which said additional duty shall be paid, collected and accounted for, in such manner and form, and according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed, and appointed, for the paying, collecting and accounting for the duty already raised and imposed upon slaves imported, by the several acts of Assembly now in force, and made for that purpose; and that every article, rule and clause contained in the said acts, concerning the paying, collecting and accounting for the said former duty shall be used, exercised, and put in practice, for paying, collecting and accounting for the said duty hereby imposed, as if the same articles, rules, and clauses were inserted in this act: And ^{On wheel-carriages.} moreover, the duty of twenty shillings for every coach, chariot, and other four wheeled carriage (waggons excepted) and ten shillings for every chair, and two wheeled chaise, by the owner or proprietor thereof; and that every such owner or proprietor, some time before the tenth day of April yearly, shall deliver a list of each and every such carriage to the clerk of the court of the county wherein the owner shall reside, under the like penalty, and to be recovered in the same manner as is directed by the act of General Assembly in the case of concealing tithables; which clerk shall forthwith transmit a copy of such list to the treasurer, and deliver another copy thereof to the sheriff of the county, which duty shall be by such sheriff collected, levied and accounted for, and paid to the treasurer, in the same manner as the duties abovementioned: And also the further duty of twenty shillings for every ordinary licence, to be paid ^{On ordinary licenses.} down by the person obtaining the same, to the clerk of the court where such licence shall be granted; and two shillings and six pence for every original writ in any action or suit at common law, and subpœna in chancery, in the general court, for every summons on

On process
at law.

a petition for lapsed lands, and for every caveat entered in the secretary's office, and one shilling and three pence for every such writ or subpoena in the county, or other inferior court, to be paid down by the plaintiff in such suit, to the clerk of such court, before such writ, subpoena, or summons shall be issued, or caveat entered, but not taxed in the bill of costs; and, together with the duties upon ordinary licences accounted for upon oath, and paid by such clerk, to the said treasurer, in the months of April and October yearly, deducting after the rate of five per centum for his trouble in receiving, accounting for, and paying the same. And if any such clerk shall neglect or refuse to account for, and pay the said duties by him received, according to the directions of this act, it shall be lawful for the general court, or the court whereof he is a clerk, upon a motion to them made by the treasurer, to give judgment against such clerk for all the said duties so by him received, and thereon to award execution.

Proviso.

IV. *Provided* that ten days previous notice be given of such motion.

Duties to remain as a security for payment of the money borrowed.

V. And for encouraging persons to lend money on this occasion, *Be it further enacted, by the authority aforesaid*, That the revenues or duties arising by the importation of liquors and slaves, and all the other duties imposed by this act, shall, and are hereby declared to stand, be, and remain as a security for the payment of the money so to be borrowed as aforesaid, and the treasurer is hereby required to repay the money so to be borrowed, with interest, out of the first public monies that shall come to his hands, either by receipt of the duties aforesaid, or otherwise.

Continuation
of this act.

VI. *And be it further enacted, by the authority aforesaid*, That this act as to so much thereof as relates to the raising and imposing the duties, and collecting and paying the same, shall continue and be in force, for and during the term of three years, and no longer.

CHAP. II.

An Act for amending the act, intituled, An act for the better regulation of the Militia.

I. FOR establishing a better method of appointing patrollers, and for declaring their duty, *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That it shall and may be lawful for the chief officer of the militia, residing in every county, and he is hereby required, some time before the tenth of June yearly, to appoint an officer, and so many men of the militia as to him shall appear to be necessary, not exceeding four, once in every month, or oftener if thereunto required by such chief officer, to patrol and visit all negroe quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, and such patrolers shall have power and authority to take up any such slaves, servants, or disorderly persons, as aforesaid, unlawfully assembled, or any other strolling about from one plantation to another, without a pass from his or her master, mistress, or overseer, and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back well laid on: And in case one company of patrolers shall not be sufficient, to order more companies for the same service: And after every patrol the officer of each party, shall return to the captain of the company whereunto he belongs, a report in writing, upon oath, (which oath such captain is hereby impowered to administer) of the names of those of his party who are upon duty, and of the proceedings in such patrol; and each captain shall once in every month, deliver such patrol returns to the county lieutenant, or chief commanding officer resident in his county, by whom they shall be certified and delivered to the next court-martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officer shall certify

Chief officer's duty in appointing patrollers.

Patrollers authority and duty.

**Their allow-
ance.** the same to the county court, who upon such certificate, are hereby impowered and required, at the laying of their county levy, to allow to, and levy for every one of the patrollers, ten pounds of tobacco for every twenty four hours they shall so patrol; and moreover such patrollers shall be exempt from attendance at private musters, and from the payment of public, county, and parish levies for their own persons, for those years in which they shall be employed in that service.

**Penalty on
officer not
appointing
patrollers.**

11. And be it further enacted, by the authority aforesaid, That if the chief officer of the militia, residing in any county, shall fail to appoint patrollers, according to the directions of this act, such officer shall forfeit and pay the sum of five pounds; and every person appointed to patrol in pursuance of this act, failing to do his duty therein, shall pay the sum of five shillings for every failure, which fines shall be laid by the court martial of the county, and shall be collected, levied, accounted for, and appropriated, as by an act of Assembly made in the twelfth year of the reign of his present majesty, intituled, An act for the better regulation of the militia, is directed for fines imposed by the said act.

**Penalty on
patrollers
not perform-
ing their du-
ty.**

**Repealing
clause.**

IV. And be it further enacted, That so much of the said recited act as relates to any thing within the purview of this act, be, and the same is hereby repealed.

CHAP. III.

An Act for paying the Burgesses wages in money for this present session of Assembly.

**Burgesses
wages paya-
ble in mo-
ney.**

I. WHEREAS by one act of Assembly made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's account it should appear, that there are

monies sufficient, in his hands, to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer over and above the said payment a balance of one thousand five hundred pounds at the least, then every Burgess elected, and serving for a county or corporation within this dominion, should be paid out of the public money the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed.

II. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer on the twenty-fifth day of April, in the year of our lord, one thousand seven hundred and fifty five out of the public monies then in his hands, according to the directions and regulations in the said recited act, mentioned, any thing in the said act, to the contrary thereof in anywise notwithstanding.*

ANNO REGNI

GEORGE II,

Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, vicesimo octavo.

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord, George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, one thousand seven hundred and fifty two. And from thence continued by several prorogations, to Thursday the twenty second day of August, in the 28th year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty four, and then held at the Capitol in the City of Williamsburg; being the fourth session of this Assembly.

Robert Dinwiddie, esq.
Governor.

CHAP. I.

An Act to empower Thomas Dansie to receive ferriages for transporting passengers to and from the causeway opposite to his land, and for other purposes therein mentioned.

I. WHEREAS by an act of Assembly, made at a General Assembly, begun and held at the College in Williamsburg, on Thursday the twenty seventh day

D D D—Vol. 6.

Thomas Dansie, authorized to receive ferriages, for passing to and from the causeway, near Claiborne's ferry, between King William and New Kent.

of October, in the twenty second year of the reign of our sovereign lord king George the second, intituled, An act to impower Thomas Dansie to make a causeway through the marsh opposite to his wharf; reciting that the passage from Claiborne's ferry, in King-William county, to the place appointed by law in New-Kent county, was long and dangerous, and that making a road or causeway thro' the marsh opposite to the wharf of the said Thomas Dansie, in the said county of King-William, would render the passage of travellers short and safe, and be very beneficial to the public: Therefore it was enacted, that the said Thomas Dansie should be impowered and authorized, and he was therby impowered and authorized to clear, dig up, extend, maintain, and improve a causeway, from the river opposite to his said wharf, thro' the said marsh, to the high land in the said county of New-Kent; and from time to time to widen, repair and improve the same, and also to erect and build bridges over any gut or creek in the said marsh.

II. And whereas the said Thomas Dansie hath represented to this present General Assembly, that he hath, at a very great expence, trouble and labor, begun the said causeway, and extended the same a considerable length, and doubts not but he shall be able to finish the same in a short time, so as to render the passage over the river, safe, commodious, and expeditious to travellers, but that he will be liable to the action of any adjacent ferry-keepers, if he takes any reward for setting passengers over the river, to and from the said causeway; and also, that the intention of erecting the said causeway will be frustrated, unless a road is cleared from the same, in the county of New-Kent, to the main road leading to the ferry-landing, opposite to Claiborne's ferry in the county of King-William.

III. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same. That it shall and may be lawful, to and for the said Thomas Dansie, and his assigns, as soon as he, or they shall have made and finished the causeway aforesaid, through the said marsh, to the high land in the said county of New-Kent, and erected necessary bridges over the said guts and creeks, but not before, to demand and receive the same rates for every

passenger, horse, wheel-carriage, hogshead of tobacco, head of nett cattle, sheep, goat, or hog, to be by him, or them transported from his land in the county of King William, to the said causeway, or from the said causeway to the said land, the same rates as are by law now taken and received at Claiborne's Ferry; and that no other person or persons presume to set over, or transport any passenger or beast from the said causeway, to the said county of King-William, but the said Thomas, or his assigns; nor shall the court of the said county of New-Kent, have power to appoint any ferry, at, or from the said causeway, so long as the said Thomas Dansie, or his assigns shall keep up and support the same, and the bridges aforesaid, at his or their own proper costs.

IV. *And be it further enacted, by the authority aforesaid,* That the county court of King-William, shall have the same power and authority of ordering and directing what boat, or boats, and the number of hands that shall be kept at such ferry: And the said Thomas, or his assigns, shall have and enjoy the same privileges, and be subject and liable to all the regulations, fines, and penalties, that are given, made, laid, and inflicted on ferry-keepers, by an act of Assembly made in the twenty second year of his present majesty's reign, intituled, An act for the settlement and regulation of ferries, and for dispatch of public expresses.

V. *And be it further enacted,* That the court of the said county of New-Kent, shall appoint three or more proper persons to lay out a road from the said causeway to the main road leading to the present ferry in that county; which persons shall be sworn before a justice of peace, to perform the same, for the convenience of travellers, and with the least prejudice to the proprietors of the lands over which the said road will lead as may be; and then it shall and may be lawful, to and for the said Thomas Dansie, and his assigns, to clear and keep in repair the said road, so to be laid out from time to time; and he and they shall be obliged to do the same, under the like penalties as are by law inflicted on surveyors of highways, so long as the said Thomas Dansie, or his assigns, shall keep up the said ferry; but in case such ferry shall be discontinued, the said road shall be discontinued also.

CHAP. II.

An Act to dock the intail of certain lands whereof Nathaniel West Dandridge, gentleman, is seised, and for settling other lands and slaves of greater value to the same uses.

Intail of certain lands whereof Nathaniel West Dandridge is seised, in King William docket.

I. WHEREAS John West, late of the parish of Saint John, in the county of New-Kent, was in his lifetime, seised in fee-simple, among other lands, of, and in a certain tract or parcel of land, then called Barber's-Fields, situate, lying, and being, in the said parish of Saint John and county aforesaid. but now in the county of King-William; and by his last will and testament in writing, bearing date the fifteenth day of November, one thousand six hundred and eighty nine, devised the same unto his son, Nathaniel West, and his heirs forever; but in case of his death, or default of issue, then to his two sons, John and Thomas West, and their heirs, equally to be divided between them: And in case his three sons aforesaid, should die without issue, then the said land to descend to his daughter Anne Fox, wife to Henry Fox, and her heirs forever; as by the said will, duly proved, and recorded in the court of the county of King and Queen, may more at large appear; And some time after making the said will, the said John West died so seised, after whose death the said Nathaniel West entered into the said lands, and became thereof seised in fee tail; and being also seised in fee-simple of, and in two tracts or parcels of land, containing together, twelve hundred and forty seven acres, situate, lying and being in the said parish of Saint John, and county of King-William, he the said Nathaniel West, by indenture of lease and release, bearing date the seventeenth and eighteenth days of March, one thousand seven hundred and nineteen, did, for the considerations therein mentioned, bargain, sell, and convey the said last mentioned tracts of land, unto John Holloway, late of the city of Williamsburg, esquire, his heirs and assigns for ever, in trust for the use of William Dandridge, esquire, and Unity his wife, (daughter of the said Na-

thaniel West) for and during the terms of their natural lives, and of the life of the longer liver of them, without impeachment of waste; and from and after the death of the survivor of them the said William and Unity, to the use and behoof of the heirs of the body of the said Unity, lawfully to be begotten; and for default of such issue, to the use of the said Nathaniel West for life, and after his death, as to nine hundred and thirty three acres, part of the said lands, to the use of the heirs and assigns of the said Nathaniel West; and as to the residue thereof, to the use of the heirs male of the body of Thomas West, brother of the said Nathaniel; and for default of such issue, to the right heirs of the said Nathaniel West for ever; as in, and by the said indentures, duly proved and recorded in the court of the said county of King-William may more fully appear. And some time after making the said indentures, the said Nathaniel West died, leaving issue the said Unity Dandridge, his only child and heir of his body; after whose death the said William Dandridge, and Unity his wife became seised, as well of the said land called Barber's Fields, alias Barber's Hills, as of the other lands herein before mentioned; and are both since dead, leaving issue Nathaniel West Dandridge, gentleman, their eldest son, and heir of the body of the said Unity, who, after the death of the said William and Unity, became seised in fee-tail of all the lands herein before-mentioned; and John West, one of the sons of the said John West the elder, being dead, without issue, the remainders and reversions of the several lands under the will of the said John West, and the deed of the said Nathaniel West, must at all events, take place in the same person, as the heir of the body of the said Thomas West, will be right heir of the said Nathaniel West, in case the issue of the said Unity Dandridge should fail.

II. And whereas by an act of Assembly, made in the twenty fifth year of the reign of his present majesty, intituled, An act for docking the intail of certain lands in the county of King-William, and vesting the same in William Dandridge, in fee-simple, and for settling other lands and slaves of greater value to the same uses. It is, among other things enacted, that the said tract of land, called Barber's-Fields, alias Barber's-Hills, with the appurtenances, should be, and the same was thereby vested in William Dandridge,

younger son of the said William the father, in fee-simple, and that four hundred and ninety six acres of land, whereof the said William Dandridge the father died seised in fee-simple, commonly called and known by the name of Whitehead's and Underwood's quarters, together with nine negroe slaves, named Molly, Sarah, Tom, Robin, Jemmy, Billy son of Ogee, Jack the son of negroe Judy, Will Jackson a new negroe, and Sharper, and also the issue and descendants of the slaves aforesaid, since the death of the said William Dandridge the father should be, and the same were thereby vested in the said Nathaniel West Dandridge, to pass in descent, remainder, and reversion, to such person and persons, for such estate and estates, and subject to the like limitations, as the said tract of land, called Barber's-Fields, alias Barber's-Hills, was and stood limited by the last will and testament of the aforesaid John West, as in and by the said in part recited act may more fully appear.

III. And whereas the said Nathaniel West Dandridge is seised in fee-simple, of and in four hundred and ten acres of land, situate lying and being in the county of Hanover, adjoining to a large tract of land of which the said Nathaniel West Dandridge is seised in fee-tail, under the will of the said Unity his mother; and is also possessed of the following slaves, to wit, Nell, George and Charles children of Nell, Hannah, Delphia her child, Doll, Betty and Jack children of Doll, Moll, Nanny, Lucy, and Milly children of Nanny, Dinah, Doll her child, Betty, Lucy, Faner, and Sam. children of Betty, Sally, Deal her child, Judy, Miima her child, Molly, Aggy, Dick, Billy and Delphia children of Molly, Nanny, Jack, and Betty, children of Nanny, Isbell, Mill-Creek Nanny, Jack, Jenny, and Nanny, children of Mill Creek Nanny, little Hannah child of Phillis, Jenny child of Faner, Gill and Squire sons of Sarah, Napier son of Betty, Will son of Faner, Jemmy and Will sons of Hannah, Sam and Natt sons of Isbell, Johnny son of Tamar, David Son of Greenwich, Will, Jemmy, and London, as of his own proper slaves; and it will be for the advantage and benefit of the heir in tail, and of those claiming in remainder and reversion, under the will of the said John West and the deed of the said Nathaniel West, to dock the intail of the said several tracts of land, in the county of King-William, whereby the said

Nathaniel West Dandridge may be enabled to make a better provision for his younger children, and to settle the said four hundred and ten acres of land in the county of Hanover, with the slaves aforesaid, to be annexed thereto, being of greater value to the same uses. And forasmuch as notice has been published three Sundays successively, in the several churches of the said parish of Saint John, that application would be made to this General Assembly, to dock the intail of the said lands in the county of King-William, and to settle other lands and slaves of greater value to the same uses, pursuant to your majesty's instructions.

IV. May it therefore please your most excellent majesty, at the humble suit of the said Nathaniel West Dandridge, that it may be enacted, and *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said twelve hundred and forty seven acres of land, given as aforesaid, by the deed of the said Nathaniel West, together with the said four hundred and ninety six acres of land, settled by the herein before recited act of Assembly, be, and the same is hereby vested in the said Nathaniel West Dandridge, his heirs and assigns, to the only proper use and behoof of the said Nathaniel West Dandridge, his heirs and assigns for ever; and that the said four hundred and ten acres of land, in the county of Hanover, together with the slaves last above named, and also the said slaves, Molly, Sarah, Tom Robin, Jemmy, Billy, son of Ogee, Jack, the son of negroe Judy, Will Jackson, and Sharper, and their issue or descendants, since the death of the said William Dandridge, the elder, shall be, and the same are hereby vested in the said Nathaniel West Dandridge: And that the said four hundred and ten acres of land, with the appurtenances, and the slaves aforesaid, and the issue and descendants of them so long as any of them shall be living, shall pass in descent, remainder, and reversion, to such person and persons, for such estate and estates, and subject to the like limitations as the said lands in the county of King William, is, and stands limited by the last will and testament of the said John West, and the deed of the said Nathaniel West.

V. *And be it further enacted, by the authority aforesaid,* That the estate tail in the said lands in the coun-

ty of Hanover, hereby settled in lieu of the other lands in the county of King William, shall not at any time hereafter be docked or defeated by writ in the nature of an *ad quod damnum*, or otherwise, except by an act of the General Assembly of this dominion.

VI. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodics politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said John West, and the deed of the said Nathaniel West, all such right, title, interest, claim and demand, as they, every, or any of them, should or might claim if this act had never been made.

VII. *And be it further enacted by the authority aforesaid*, That so much of the said herein before recited act, as is contrary to any thing within the purview of this act, be, and the same is hereby repealed.

VIII. *Provided always*, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. III.

An Act for paying the Burgesses wages in money, for this present session of Assembly.

Burgesses
wages paya-
ble in mo-
ney.

I. WHEREAS by an act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear, that there are monies sufficient in his hands to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly; saving and reserving in the hands of the treasurer, over and above the said payment, a balance of one thousand five hundred pounds

at the least; then every Burgess elected and serving for a county or corporation within this dominion, should be paid out of the public money, the sum of ten shillings for every day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act; and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll.

4 II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer on the twenty fifth day of April, in the year of our Lord one thousand seven hundred and fifty five, out of the public money then in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act, to the contrary thereof in any wise, notwithstanding.*

ANNO REGNI

GEORGE II,

Regis, Magnæ, Britannicæ, Francicæ,
et Hibernicæ, vicesimo octavo.

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1752. And from thence continued by several prorogations, to Thursday the 17th day of October, in the 28th year of his majesty's reign, and in the year of our Lord 1754, and then held at the Capitol in the City of Williamsburg; being the fifth session of this Assembly.

Robert Dinwiddie, esq. governor.

CHAP. I.

An Act for raising the sum of twenty thousand pounds for the protection of his majesty's subjects against the insults and encroachments of the French.

I. WHEREAS the subjects of the French king, have, in open contempt of the treaties subsisting between the crowns of Great Britain and France, invaded this colony, and with an armed force taken pos-

Preamble.

session of a fort built on the river Ohio, for the protection of his majesty's subjects, and in the most hostile manner attacked the forces sent out by his majesty's command, to build forts on the frontiers of this dominion. And whereas the aid already granted for the encouragement and protection of the settlers upon the waters of the Mississippi, hath not been found sufficient to answer the ends for which it was designed; and this present General Assembly being desirous to prevent such violent usurpations and encroachments, and to testify their zeal for his majesty's service, and the interest of their country, are, notwithstanding the extreme poverty of the people, and the grievous burthen of a poll-tax, willing that it may be enacted:

Duty.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, shall be paid by every tithable person within this dominion, on or before the tenth day of April now next ensuing, to the sheriff of each county; and the further sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, shall also be paid to such sheriff, by every such tithable person, on or before the tenth day of October now next ensuing; and in case of neglect or refusal of payment by any person or persons, at or before the time aforesaid, every such sheriff is hereby empowered and required to levy the same, by distress and sale of the delinquent's goods and chattels, which first mentioned sum of two shillings and six pence, or thirty pounds of tobacco per poll, shall be, by every such sheriff, accounted for upon oath, and paid to the treasurer of this colony for the time being, on or before the twenty fifth day of April, now next ensuing; deducting only four per centum for his salary in collecting and paying the same, by such sheriff; and the said other sum of two shillings and six pence, or thirty pounds of tobacco per poll, by such sheriff, shall in like manner be accounted for and paid to the said treasurer, on or before the twenty first day of October, now next ensuing, and shall be by him accounted for to the General Assembly, when thereto required.

III. *And be it further enacted by the authority afore-* Sheriffs to give bond.
said, That the sheriff of every county, shall, at the first or second court to be held for his county, after the passing of this act, give bondth and security for the due collection and payment of ^{the} money and tobacco, laid and assessed by this act; and if such sheriff shall be removed from his office, or die before the collection is made, the succeeding sheriff shall, in like manner, give bond and security at the time he shall be sworn into his office.

IV. *And be it further enacted by the authority afore-* Directors.
said, That John Robinson, esq. Charles Carter, Carter Burwell, Benjamin Waller, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Chiswell, John Norton, William Harwood, gentlemen, Peyton Randolph, and George Wythe, esquires, or any seven of them, shall, from time to time, with the consent and approbation of the governor or commander in chief for the time being, direct and appoint how the said money shall be applied towards maintaining the soldiers already raised or to be raised in this colony, and for defending and protecting the frontiers thereof; and that the said directors shall, as often as there shall be occasion of money for the uses aforesaid, apply themselves to the governor or commander in chief, to issue his warrant to the treasurer for paying so much money as shall be wanting for the purposes aforesaid, not exceeding the sum of twenty thousand pounds, who is hereby required to pay the same accordingly, and shall be allowed the sum of two and an half per centum, for receiving and paying the same; and the said directors shall keep an account of their proceedings, and of the several particular services for which they shall appoint the said money to be laid out, in pursuance of this act, and lay the same before the General Assembly when thereto required.

V. *And be it further enacted, by the authority afore-* Penalty on Sheriffs.
said, That if any such sheriff shall neglect or refuse to account for, and pay the money or tobacco, according to the directions of this act, after deducting the several sums chargeable to persons having no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, upon a motion to them made by the treasurer, to give judgment against such sheriff,

and his security given in pursuance of this act, for all the money or tobacco, wherewith he shall be chargeable by virtue of this act, and thereon to award execution.

Proviso.

VI. *Provided*, That such sheriff shall have ten days previous notice of such motion.

CHAP. II.

An Act for raising levies and recruits to serve in the present expedition against the French, on the Ohio.

Preamble.

I. WHEREAS his majesty has been pleased to send instructions to his Lieutenant Governor of this colony, to raise and levy soldiers for carrying on the present expedition against the French on the Ohio; and this present General Assembly being desirous, upon all occasions, to testify their loyalty and duty; and taking into their consideration, that there are, in every county and corporation within this colony, able bodied persons, fit to serve his majesty, who follow no lawful calling or employment.

Power of the justices and method of enlisting.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful to and for the justices of the peace of every county and corporation within this colony, or any two or more of them, within their several and respective counties and corporations, upon application made to them, by any officer or officers appointed or impowered to enlist men, to raise and levy such able bodied men, as do not follow or exercise any lawful calling or employment, or have not some other lawful and sufficient support and maintenance, to serve his majesty, as soldiers in the present expedition; and to require and command all sheriffs, under-sheriffs, and constables, within their respective counties and corporations, to be aiding and assisting them in putting this act in execution; and for that purpose to issue out warrants

under the hands and seals of any two or more of them; thereby commanding such sheriffs, under-sheriffs, and constables, as aforesaid, every, or any of them, to make, or cause search to be made, within their respective counties and corporations, for all such persons as they can find, who are, or shall appear to them to be within the description of this act; and to bring before the said justices all such persons: And in case the said justices, hereby authorized and empowered to put this act in execution, upon examination of the person or persons so brought before them, shall judge them, or any of them, to be such as are hereby intended to be entertained in his majesty's service on this expedition, they shall immediately list him or them as soldiers; and the said justices are hereby authorized and required, by warrant under the hands and seals of any two or more of them, to cause the person or persons so enlisted, to be delivered to such officer or officers, who are hereby required to give a receipt for such person or persons so delivered to him; which receipt shall be returned to the said justices, and by them transmitted to the governor, or commander in chief for the time being.

III. *Provided always*, That nothing in this act contained shall extend to the taking or levying any person to serve as a soldier, who hath any vote in the election of a Burgess or Burgesses to serve in the General Assembly of this colony, or who is, or shall be an indented or bought servant, or any person under the age of twenty one years, or above the age of fifty years. Who may not be enlisted under this act.

IV. *And be it further enacted by the authority aforesaid*, That the pay of every soldier enlisted by virtue of this act, shall commence from the time of his being taken, and delivered to such officer or officers appointed or empowered to enlist men, and such soldier shall receive the same rewards as any other enlisted soldier. Their pay:

V. *And be it further enacted, by the authority aforesaid*, That if any person or persons enlisted by virtue of this act, shall be so maimed or wounded; as to be rendered incapable of maintaining themselves, they shall, upon their return, be supported at the public expence. Their support if wounded.

VI. *And be it further enacted*, That this act, as to so much thereof, as relates to the raising and levying Continued.

men, shall continue and be in force, from and after the passing thereof, during the term of one year and no longer.

CHAP. III.

An Act for paying the Burgesses wages in money for this present session of Assembly.

Burgesses
wages pay-
able in mo-
ney.

I. WHEREAS by one act of Assembly made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear, that there are monies sufficient, in his hands, to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer over and above the said payment a balance of one thousand five hundred pounds at the least, then every Burgess elected, and serving for a county or corporation within this dominion, should be paid out of the public money the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer on the twenty fifth day of October, in the year of our lord, one thou-*

and seven hundred and fifty six, out of the public money then in his hands, according to the directions and regulations in the said recited act, mentioned, any thing in the said act, to the contrary thereof in anywise, notwithstanding.

CHAP. IV.

An Act for adding part of the counties of Albemarle and Lunenburg, to the county of Bedford.

I. WHEREAS the counties of Albemarle, Lunenburg, and Bedford, are at present very inconveniently situated; and it would be a great relief to the inhabitants of the said counties, if part of the said counties of Albemarle and Lunenburg, were added to the county of Bedford:

Part of the counties of Albemarle and Lunenburg added to the county of Bedford.

II. BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the first day of January now next ensuing, all that part of the county of Albemarle, on the south side of James river, that lies above the head of Falling river, and from thence a direct course to the mouth of Stonewall creek, on James river; and all that part of the county of Lunenburg, that lies to the westward of a line to be run from the mouth of Falling river, north, twenty degrees east, to intersect the line of Prince Edward county, shall be added to, and deemed part of the county of Bedford.

III. *Provided always*, That nothing herein contained shall be construed to hinder the sheriffs of the said counties of Albemarle and Lunenburg, as the same now stand entire, from collecting or making distress in their respective counties, for any public or county levies, or any other dues that they are by law now enabled to collect, and which shall on the said first day of January, remain unpaid by the inhabitants of those parts of the counties of Albemarle and Lunenburg,

which are hereby added to the county of Bedford; but the said sheriffs in their respective counties, shall have the same power to collect and distrain for such levies and dues, and shall be accountable for them in the same manner as if this act had never been made.

IV. And whereas by one act of Assembly made in the twenty seventh year of his majesty's reign, intituled, An act for dividing the county of Lunenburg, and parish of Cumberland, and for altering the court day in the county of Halifax, it was amongst other things enacted, that from and after the tenth day of May, that should be in the year of our Lord one thousand seven hundred and fifty six, the parish of Cumberland, in the said county of Lunenburg, should be divided into two distinct parishes; and that all that part of the said parish that should be in the county of Bedford, should be a distinct parish, and thereafter called and known by the name of Russel, and that the freeholders and housekeepers of the said parish of Russel, should some time before the tenth day of July, one thousand seven hundred and fifty six, meet and elect a vestry of the said parish.

Parish of
Russell, in
Bedford
county, new-
ly modelled.

V. And whereas it will be more convenient that the whole county of Bedford should be included in one parish, to take place before the said tenth day of May, and that the vestry should be sooner elected; *Be it therefore enacted by the authority aforesaid,* That from and after the said first day of January, the said parish of Cumberland, in the said county of Lunenburg, shall be divided into two distinct parishes, according to the directions in the before recited act. That all that part of the county of Albemarle, and of the county of Lunenburg, which are hereby added to the county of Bedford, shall be, and are hereby added to the said parish of Russel, and that the freeholders and housekeepers of the said parish of Russel, shall at some convenient time and place, on or before the first day of May next, meet and elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof, who being elected and qualified in the manner by the forementioned act directed, shall to all intents and purposes be deemed and taken to be vestrymen of the said parish.

CHAP. V.

An Act for vesting seven hundred acres of land, with the appurtenances, lying on Cherristone's creek, in the parish of Hungar's, and county of Northampton, in Littleton Eyre, gent. in fee-simple.

I. WHEREAS William Kendall, formerly of the county of Northampton, now deceased, being seised in fee simple, among other lands, of seven hundred acres, lying and being on Cherristone's creek in the parish of Hungar's, in the said county, did, by deed of gift, bearing date the first day of August, one thousand six hundred and eighty five, in consideration of the love and affection that he bore to his well beloved son in law, Hancock Lee, and his dearly beloved daughter Mary his wife, and in consideration of five shillings sterling, give, grant, assign, and confirm to the said Hancock Lee, and Mary his wife, the said seven hundred acres of land, to hold to the said Hancock Lee, and Mary his wife, during their natural lives, and to the survivor of them; and after their decease to his grand daughter Anna Lee, daughter of the said Hancock and Mary, and the heirs male of her body, lawfully begotten, for ever, with divers limitations and remainders over, in case of failure of such issue. And whereas the said Anna Lee, after the death of her said father and mother, entered into the said seven hundred acres of land, and became thereof seised in tail male, and being so seised, intermarried with one William Armistead, now deceased, and had issue by him John Armistead, now also deceased, her eldest son and heir at law, who left issue John Armistead, of the county of Gloucester, gentleman, his eldest son and heir at law, who after the death of the said Anna, his grandmother, will be entitled to the said seven hundred acres of land in tail male. And whereas the said John Armistead, the father, by his last will and testament in writing, bearing date the ninth day of April, in the year of our Lord one thousand seven hundred and thirty four, did give and devise to his daughter Susanna, six hundred

Certain lands in Northampton, vested in Littleton Eyre.

pounds sterling, to be paid her when she should attain the age of twenty one years, or marriage; and did also by his said will give and devise to his son William Armistead, six hundred pounds sterling, and did direct that the same should be paid by the said John Armistead, his son, when he should arrive at the age of twenty one years. And whereas the said Susanna, intermarried with Moore Fantleroy, of the county of Richmond, who soon after his marriage brought suit against the said John Armistead, the son, in the county court of Gloucester, and obtained a decree against him for the said six hundred pounds sterling, so as aforesaid given to the said Susanna, with interest thereon, from the time of his marriage. And the said John Armistead, the son, not being able to pay off the said decree, the said Moore Fantleroy sued out an attachment thereon, against the body of the said John Armistead, by virtue whereof the sheriff of the said county of Gloucester, took and arrested the body of the said John Armistead, and him in his custody had and detained until he performed the said decree. And the said William Armistead, having obtained his age of twenty one years, hath lately brought a suit in the said county court of Gloucester, against the said John Armistead, the son, for recovery of his legacy. And whereas the said John Armistead the son, hath already sold all the lands whereof he was seised in fee-simple; and it will be very much to the disadvantage of the said John Armistead the son, and his posterity, if the slaves given him by his father should be sold to pay the said legacies, which if sufficient for that purpose would render the remainder of his lands of little or no benefit to him, or his posterity, and therefore the said John Armistead the son, applied to a former session of this Assembly for, and obtained an act to empower him to sell certain intailed lands in the county of Essex, for the performance of his father's will, but hath not yet been able to sell the same, nor will the same, when sold, raise near sufficient for that purpose. And whereas the said Anna Armistead, the tenant in tail, and John Armistead the son, contracted with Littleton Eyre of the said county of Northampton, gentleman, for the sale of the said seven hundred acres of land, for the sum of eight hundred and fifty pounds current money, which was the most that was offered or could be got for the same, and the said

Anna Armistead, by her certain indenture of bargain and sale, bearing date the twenty ninth day of August, one thousand seven hundred and fifty four, for the consideration of the said eight hundred and fifty pounds, did grant, bargain, sell, and confirm the said seven hundred acres of land, with the appurtenances, unto the said Littleton Eyre, to hold to the said Littleton Eyre, his heirs and assigns, to the only proper use and behoof of the said Littleton Eyre, his heirs and assigns, for ever, with a covenant for further assuring and confirming the said land to him in fee-simple, as in the said indenture recorded in the general court of this colony, among other things more fully is contained; and the said Littleton Eyre, with the consent, and by the directions of the said Anna Armistead, hath actually paid the said eight hundred and fifty pounds, towards discharging the debts aforesaid, of the said John Armistead the son. And whereas notice hath been published three Sundays successively, in the church of the said parish of Hungar's, that application would be made to this General Assembly, for leave to dock the intail of the said seven hundred acres of land, pursuant to your majesty's instructions;

II. May it therefore please your most excellent majesty, at the humble suit of the said Anna Armistead, and John Armistead the son, that it may be enacted, and *Be it enacted by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said seven hundred acres of land, lying on Cherri-stone's creek, in the said parish of Hungars, and county of Northampton, so given by the said William Kendall, to his son in law Hancock Lee, and his daughter Mary, the wife of the said Hancock Lee, during their lives, and after their deaths to the said Anna their daughter, shall be, and the same are hereby vested in the said Littleton Eyre, his heirs and assigns, to the only use and behoof of the said Littleton Eyre, his heirs and assigns for ever.

III. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the deed aforesaid, made by the said William Kendall, all such right, title, estate, interest, claim and demand, as they, every, or any of

them, should, could, or might have had or claimed, if this act had never been made.

IV. *Provided always*, That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. VI.

An Act for docking the intail of certain lands in the county of Nansemond, and vesting the same in Thompson Swann, in fee-simple, and for settling other lands and slaves of greater value, to the same uses.

Intail of certain lands in Nansemond docked, and vested in Thompson Swann, in fee.

I. WHEREAS William Thompson, formerly of the parish of Suffolk, in the county of Nansemond, deceased, was in his life time, and at the time of his death, seised in fee-simple, of a plantation containing about three hundred acres of land, lying in the said parish and county whereon he lived, and being so seised, made his last will and testament in writing, bearing date the eighteenth day of April, one thousand six hundred and eighty six, and thereby devised the same to his daughter Elizabeth, and the heirs of her body lawfully begotten, for ever, with divers remainders over; who after the death of her father entered into the same, and became thereof seised in fee-tail, and being so seised, intermarried with one Thomas Swann, now also deceased, and had issue by him Thomas Swann, her eldest son and heir at law, who after her death entered into the said three hundred acres of land, and was thereof seised, and being so seised, had issue Thompson Swann, his eldest son and heir at law, who is now seised of the same in fee-tail. And whereas the said Thompson Swann is seised in fee-simple, of, and in one tract of land containing three hundred acres, in the parish of Raleigh, and county of Amelia, lately purchased by him from one Joseph Boswell, and hath now on the same six slaves, named

Jemmy, Will, Lewis, Moses, Patience, and Patt, being his own proper slaves, and it will be for the benefit and advantage of the heir in tail, and those claiming under the will of the said William Thompson, to dock the intail of the said land in the parish of Suffolk, and county of Nansemond, and to settle the said land in the parish of Raleigh, and county of Amelia, and the said six slaves to be annexed thereto, and being of greater value, to the same uses. And forasmuch as notice hath been published three Sundays successively, in the several churches in the said parish of Suffolk, that application would be made to this General Assembly, to dock the intail of the said three hundred acres of land in the said parish of Suffolk, and to settle other lands and slaves of greater value to the same uses, pursuant to your majesty's instructions:

II. May it therefore please your most excellent majesty, at the humble suit of the said Thompson Swann, that it may be enacted, and *Be it enacted by the Lieutenant-Governor, Council and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the said plantation containing about three hundred acres of land, lying and being in the parish of Suffolk, and county of Nansemond, with all its appurtenances, so as aforesaid devised by the last will and testament of the said William Thompson, to his daughter Elizabeth; and whereof the said Thompson Swann is now seised in fee-tail, be, and the same is hereby vested in the said Thompson Swann, now seised in fee-tail, be, and the same is hereby vested in the said Thompson Swann, his heirs and assigns for ever; and that the said tract of land purchased of the said Joseph Boswell, by the said Thompson Swann, lying and being in the said parish of Raleigh, and county of Amelia, and all and every the six slaves before named, together with the future increase of the said female slaves, be, and the same are hereby vested in the said Thompson Swann, and the heirs of his body, lawfully begotten, and on failure of such heirs, the same shall remain and descend to such person and persons in the same manner, and under the same limitations and remainders as the said land in the parish of Suffolk, and county of Nansemond, would have remained and descended by virtue

of the before mentioned last will and testament of the said William Thompson, if this act had never been made.

III. *Provided*, That the said Thompson Swann shall cause the names of all the said slaves to be recorded in the court of the said county of Amelia, and that the said slaves so annexed to the said land, and their increase, shall not be liable to be taken in execution, and sold for the satisfying and paying the debts of the said Thompson Swann, or any other person who shall be tenant in tail of the said land, otherwise than the said land before the passing of this act was liable.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the persons claiming under the last will and testament of the said William Thompson, all such right, title, interest, claim, and demand, as they, every, or any of them, could or might claim, if this act had never been made.

V. *Provided always*, That the execution of this act shall be, and is hereby suspended until his majesty's approbation thereof shall be obtained.

CHAP. VII.

An Act to dock the intail of certain lands, whereof Joseph Bridger is seised as tenant in fee-tail, and to sell the same in fee-simple, and lay out the money arising by such sale in slaves, to be annexed to other intailed lands therein mentioned.

I. WHEREAS Joseph Bridger, late of the county of Isle of Wight, deceased, was in his life time, seised in fee-simple of a tract or parcel of land, called White Marsh, containing by estimation, seventeen hundred

Intail of certain lands in Isle of Wight,

acres, more or less; and also of one other tract or parcel of land, called Curawaok, containing by estimation, seven thousand eight hundred acres, both the said tracts or parcels of land, being situate in the parish of Newport, in the county of Isle of Wight, aforesaid, and so being seised, made his last will and testament in writing, bearing date the third day of August, one thousand six hundred and eighty three, and a codicil to his said will, dated the eighteenth day of October next following, whereby, amongst other things, he gave one half of his plantation of Curawaok, being seven thousand eight hundred acres, to his son Samuel Bridger, for life, remainder to the heirs of his body lawfully begotten: He likewise gave other lands to his son William Bridger, in tail, and then directed, that if either of his sons, Samuel or William, died before they obtained the age of twenty years, and without heirs lawfully begotten of their bodies, then all the lands given as aforesaid, he gave unto the survivor of them for life, remainder to the heirs of his body lawfully begotten; and that it should not go to their elder brother Joseph, but through default of such heirs, and then to him only for life, remainder to the heirs male of his body lawfully begotten. And whereas the said Joseph Bridger, after making his said last will and testament, by his said codicil reciting, that after making his said will, he found his son Joseph Bridger fly out into divers dissolute courses of life, and that he was grown disobedient to him, and that he might not be guilty, by giving him an estate, as an encouragement to continue in his wicked way of living, he did thereby revoke and disanul all and every part of the legacies given him in the will aforesaid, both of lands and personal estate; and did give the said seventeen hundred acres of land, called White Marsh, by the description of the lands and housing where he then dwelt; and the eight hundred and fifty acres of land, formerly belonging to Captain Upton, and the three hundred acres formerly belonging to Mr. Seward, on which Mr. Izard, Old Philip, and William Lewis lived, with all the tenements and whatever thereto belonged, after his wife's decease, to his son Samuel Bridger, for life, remainder to the heirs male of his body lawfully begotten; remainder to his son William Bridger, for life; remainder to the heirs male of his body lawfully

whereof Joseph Bridger is seised, docked.

begotten; and for the other half of the land of Curawoak, given to his son Joseph, he did thereby revoke the said gift, and give it to his son William for life, remainder to the heirs male of his body lawfully begotten, remainder to his son Samuel for life, remainder to the heirs male of his body lawfully begotten: He did also by his said codicil, give his said son Joseph, two thousand pounds of tobacco and cask, yearly, during his life; and declared that that was in full for what he intended he should have thereby, revoking all gifts and grants to him of any lands or personal estate whatsoever. After making which said will and codicil the said Joseph Bridger the testator, departed this life seised of the said lands as aforesaid; after whose death the said Samuel Bridger entered into, and was seised of the said seventeen hundred acres of land, called White Marsh, and also the half of the lands called Curawoak, devised to him as aforesaid, and died so seised, without issue, after whose death William Bridger entered into, and was seised of the said lands as next in remainder, and also of the other half of the said Curawoak lands, as devised under the will of the said Joseph Bridger, and died so seised, leaving issue at the time of his death, William and James his sons; which said William the son, after the death of his father entered into and was seised of the said lands called White Marsh, and Curawoak, and died so seised, leaving issue Joseph Bridger, his only son and heir, who entered into and is now seised thereof. And whereas the said Joseph Bridger, the great grand-son of the said Joseph Bridger the donor, is possessed of but a very small number of slaves, which are not sufficient to cultivate and improve either of the said tracts or parcels of land, and without which the same will be unprofitable and chargeable to him and his posterity, and the said Joseph Bridger, the great grand son, is desirous to dock the intail of the said tract of land called Curawoak, which is very mean, and to sell the same in fee-simple, and lay out the money arising by such sale in slaves to be annexed to the said land called White Marsh, which is very good, and capable of being greatly improved, which will be to the advantage of the said Joseph Bridger the great grand son, and those claiming in remainder and reversion, under the will of the said Joseph Bridger the testator. And forasmuch as notice hath been

published in the several churches of the said parish of Newport, that application would be made to this General Assembly to dock the intail of the said seven thousand eight hundred acres of land, called Curawaok, and to sell the same in fee-simple, and lay out the money arising by the sale of the said land in slaves, to be annexed to the said land called White Marsh, to the same uses, pursuant to your majesty's instructions; and James Bridger, gentleman, the next in remainder, in case of failure of issue of the said Joseph Bridger, the great grand son, being willing that the same should be done,

II. May it therefore please your most excellent majesty, at the humble suit of the said Joseph Bridger, that it may be enacted, and *Be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, it shall and may be lawful, to and for the said Joseph Bridger, the great grandson, and in case of his death, his executors and administrators, and he and they are hereby severally impowered to sell to any person or persons who shall be willing to purchase the said seven thousand eight hundred acres of land called Curawaok, and make and execute all deeds and conveyances necessary in law for assuring unto the purchaser or purchasers, a good title in fee-simple in the lands so to be purchased; and such purchaser or purchasers, by virtue of such deeds and conveyances, and of this act, shall for ever thereafter peaceably and quietly hold and enjoy the said lands, so purchased, to them and their heirs for ever, but the consideration money shall be paid, by such purchaser or purchasers, to Robert Burwell, Etheldred Taylor, Joseph Gray, Richard Baker, and Benjamin Cocke, gentlemen, in trust, and shall be by them, or the greater part of them, laid out in purchasing young negroes, or other slaves, of which one third at least shall be female and shall cause the names of all the said slaves to be recorded in the court of the said county of Isle of Wight; and after such slaves shall be purchased, the same, and their increase shall be, and are hereby annexed to the said tract or parcel of land, called White Marsh, and therewith, from time to time, and at all times hereafter, shall pass, descend, and go to the person and persons, to whom the said tract or parcel of land shall descend.

III. *Provided*, That the said slaves so annexed to the said land and their increase, shall not be liable to be taken in execution, and sold for the satisfying and paying the debts of the said Joseph Bridger, the great grandson, or any other person, who shall be tenant in tail of the said land, otherwise than the said land, before the passing of this act was liable.

IV. Saving to the king's most excellent majesty, his heirs and successors, and to all and every other person or persons, other than the person or persons claiming the lands herein before mentioned, under the said will and codicil, all such right, title, interest, claim, and demand, as they, or any of them, should, or might have had or claimed, if this act had never been made.

V. *Provided*, That the execution of this act shall be suspended until his majesty's assent thereto shall be obtained.

ANNO REGNI

GEORGE II,

**Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, vicesimo octavo.**

*At a General Assembly, begun and held at
the College in the City of Williamsburg,
on Thursday the twenty seventh day of
February, in the twenty fifth year of the
reign of our sovereign lord, George II.
by the grace of God, of Great-Britain,
France, and Ireland, king, defender of
the faith, &c. and in the year of our
Lord, one thousand seven hundred and
fifty two. And from thence continued
by several prorogations, to Thursday the
first day of May, in the twenty-eighth
year of his majesty's reign, and in the
year of our Lord one thousand seven
hundred and fifty five, and then held at
the Capitol in the City of Williamsburg;
being the sixth session of this Assembly.*

Robert Din-
widdie, esq.
Governor.

CHAP. I.

*An Act for raising the sum of six thou-
sand pounds, by a Lottery, for the fur-
ther protection of his majesty's subjects,
against the insults and incroachments of
the French.*

I. WHEREAS it is found necessary that a sum of
money should be raised, for the further protection of **Preamble.**

his majesty's territories, in this colony, against the encroachments of the French: And this present General Assembly being desirous that the same should be done, by way of a Lottery, as the most easy and effectual method.

Managers.

II. *BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the following persons, to wit, John Robinson, Charles Carter, Peyton Randolph, esquires, Landon Carter, Carter Burwell, Benjamin Waller, and James Power, gentlemen, shall be managers and directors for the preparing and delivering tickets, and to oversee the drawing of the lots, and to order, do, and perform such other matters and things as are hereafter, in this act, directed and appointed to be done and performed by such managers and directors.

III. *And be it further enacted by the authority aforesaid,* That the said managers and directors, and every of them, before they enter upon the execution of the trust hereby reposed in them, shall take the following oath, that is to say,

Their oath.

“I A. B. do swear, that I will faithfully execute the trust reposed in me, and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot, for myself or any other person whatsoever; and that I will do my utmost endeavour to prevent any sinister or undue practice to be done, by any person whatsoever, and that I will, to the best of my judgment, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent of this act.”

To give bond.

And shall moreover enter into bond, with one or more sufficient security, in the penalty of twenty five thousand pounds, payable to his majesty, his heirs and successors, conditioned that he the said manager and director shall, and will, well and truly execute the trust and confidence reposed in him by this act, and render a just and true account of his actings and doings, receipts and payments, and all other things by him done and performed, by virtue and in pursuance of this act, to the General Assembly, when thereto required.

IV. *And be it further enacted by the authority aforesaid,* That the said managers and directors shall meet

together, from time to time, at some public office or place, for the execution of the powers and trusts reposed in them by this act, and that the said managers and directors, or the major part of them, present at any such meeting, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of such columns there shall be printed twenty five thousand tickets, numbered one, two, three, and so onwards in arithmetical progression, where the excess is to be one, until they arise to and for the number twenty five thousand, and upon the middle column of every of the said books there shall be printed twenty five thousand tickets, of the same length, breadth, and form, and numbered in like manner, which tickets shall severally be of such figure and form as the said managers and directors, or the major part of them, shall think most safe and convenient; and upon the third or extreme columns there shall be printed a third rank or series of tickets, of the same form and numbers with those in the two other columns; and upon every such ticket, in the third or extreme column of the said books, shall be written or printed, besides the number, words to this effect (received of

for this ticket one pound one shilling and six pence, current money) which shall entitle the proprietor of the same to such prize as shall be drawn against the said ticket.

V. *And be it further enacted, by the authority aforesaid,* That the managers and directors aforesaid, or the major part of them, shall, and they are hereby empowered to appoint such person or persons, as they or the major part of them shall find necessary, for the disposal of the said tickets, to be receivers of the several sums of money before expressed, for the price of the said tickets, they the said managers and directors, first taking from such receiver or receivers, so appointed, such security, for the due answering and paying the moneys which they shall receive for the tickets to them delivered, to be disposed of as the said managers and directors, or the major part of them, shall judge reasonable and sufficient in that behalf; and the said managers and directors, or the major part of them, shall deliver to such receiver and receivers, such, and so many of the said books, as to them shall seem necessary, for the disposal of the said tick-

Managers to
appoint a
receiver.

ets; and every such receiver shall, and he is hereby required, upon his receiving the above mentioned sum of one pound one shilling and six pence for any one of the said tickets, from any person adventuring in the said lottery, to cut out of the extreme column of the said books, indentwise, a ticket, and deliver the same to the adventurer; and the said receiver shall permit such adventurer, if he thinks fit, to write his name, or mark, on the two corresponding tickets in the said book.

Receiver's
duty.

VI. *And be it further enacted, by the authority aforesaid,* That every such receiver, so appointed, shall re-deliver the said book, or books, back to the said managers and directors, on or before the twentieth day of November, at their said office or place of meeting, and therein all the tickets of the first and second column before mentioned, and so many tickets in the third or extreme column, as such receiver shall not have cut out and delivered to any adventurer, for their money as aforesaid, and shall then and there deliver to the said managers and directors a true and just account in writing, under his hand, of all sum and sums of money that shall have come to the hands of such receiver, by, and for, the tickets delivered out as aforesaid, and shall then and there pay all the money, by them respectively received, into the hands of the said managers and directors; and the said managers and directors, or the major part of them, that shall be present at a meeting as aforesaid, shall cause all the tickets in the middle column of the books which shall be delivered back to them by the said receiver or receivers (in case all the corresponding tickets in the extreme column shall have been cut out and disposed of, for money, as aforesaid) to be likewise cut out, indentwise, and carefully rolled up, and made fast with thread or silk, and in the presence of the said managers and directors, or the major part of them, as aforesaid, and in the presence of such of the adventurers as will be there, the said managers and directors shall cause all the tickets so rolled up and made fast, to be put into a box prepared for this purpose, which shall be made in a circular form, and to turn on an axis, and marked with the letter A, which is to be put into another strong box, to be locked with seven different locks, the keys of which shall be kept by as many different managers, and sealed with their seals,

until the said tickets shall be drawn, as is herein after mentioned; and that the tickets in the first or innermost column of the said books shall remain in the books, for discovering any mistake or fraud, in case any such shall happen.

VII. *And be it further enacted, by the authority aforesaid,* That the said managers and directors, or the major part of them, shall cause to be prepared other books, in which every leaf shall be distinguished into two columns, and upon the innermost of those columns shall be printed two thousand and fifty tickets, and upon the outermost of the said two columns two thousand and fifty tickets shall be printed, of equal length and breadth as near as may be, to be joined with some flourish or device, through which the outermost tickets are to be cut indentwise, which said tickets are not to be numbered, but to be written or printed upon in figures, and in words at length, as follows, that is to say,

Upon one of the said tickets, *l.* 2000 Two thousand The prizes.
pounds current money.

Upon one other, *l.* 1000 One thousand pounds current money.

Upon four other, *l.* 500 Five hundred pounds current money.

Upon five other, *l.* 200 Two hundred pounds current money.

Upon six other, *l.* 150 One hundred and fifty pounds current money.

Upon eight other, *l.* 100 One hundred pounds current money.

Upon fifteen other, *l.* 50 Fifty pounds current money.

Upon fifty other, *l.* 20 Twenty pounds current money.

Upon one hundred and fifty other, *l.* 10 Ten pounds current money.

Upon eighteen hundred and ten other, *l.* 5 Five pounds current money.

which will amount in the whole to the sum of twenty thousand pounds current money; and all the remaining tickets in the said box, numbered A, shall be deemed blanks; or unfortunate tickets; and after the said tickets are written, or printed upon, as aforesaid, in the presence of the said managers and directors, or the major part of them, and of such adventurers as will be there present, they shall be carefully rolled up, and fastened with thread or silk, and put into another

box, marked with the letter B, prepared for that purpose, in the same manner as the box numbered A is before directed to be, which box shall also be put into another strong box, to be locked with seven different locks, the keys of which shall be kept by as many different managers and directors, and sealed with their seals until the said tickets shall also be drawn, in the manner hereafter directed.

The time
and method
of drawing.

VIII. *And be it further enacted, by the authority aforesaid,* That the said managers and directors shall, on the eleventh day of December next ensuing, in case all the said tickets shall then be sold, proceed to the drawing of the same, which shall be done in the manner following, that is to say, the said managers and directors shall cause the said two boxes, locked as aforesaid, to be carried into the room where the Burgesses meet, in the Capitol, by ten of the clock in the forenoon, and placed on a table there for that purpose, and shall then and there severally attend this service, and cause the two innermost boxes, containing the said tickets, to be taken out of the boxes in which they were locked up, and the tickets or lots contained in the respective innermost boxes, being in the presence of the said managers and directors, or such of them as shall be then present, and of such adventurers as will be there, for the satisfaction of themselves, well shaken and mixed in the respective boxes, by turning the same round fifteen minutes before any ticket is drawn, and half a minute between drawing each ticket, and then some one fit and indifferent person to be then appointed by the said managers and directors, or the major part of them that shall then be present, shall take out or draw one ticket out of the box number A, and one other fit and indifferent person; to be appointed in like manner, shall presently take out a ticket, or lot, from the box number B, which two tickets shall instantly be held up to public view, and then one of the said managers and directors shall open the ticket drawn out of the box number A, and read the number of such ticket aloud, and deliver it to one other of the said managers and directors, who shall also read the same aloud, and then one other of the said managers and directors shall take the ticket, or lot, drawn out of the said box number B, and read the figures and words thereon printed, or written, aloud, and then deliver each ticket, or lot, to one

other of the said managers and directors, who shall also read such figures and words aloud, and then the number and prize of such ticket shall be entered, by the clerks appointed to attend the drawing of the said lottery (who shall severally take an oath, well and faithfully to write down the number of tickets drawn out of the box number A; and whatever shall be printed or written on the tickets or lots drawn out of the box number B,) in books to be prepared for that purpose, which clerks the said managers and directors shall employ and oversee, and cause them to write in separate columns the number of the ticket drawn out of the box number A, and whatever shall be printed or written in figures or words on the ticket or lot drawn out of the box number B, and then the said managers and directors shall file the said tickets and prizes together, on files to be prepared for that purpose, and so the drawing, entering, and filing shall continue, allowing half a minute for turning the wheels, between drawing each ticket, until the whole number of tickets, or lots, contained in the box number B shall be drawn.

IX. *And be it further enacted, by the authority aforesaid,* That at any time after two days, after the drawing shall be finished, the several adventurers their agents or assigns, who shall be actually possessed of the numbered tickets, for which fortunate lots shall be drawn, as aforesaid, shall and may appear with the said tickets in their respective possessions, before the said managers and directors, to the end that the said managers and directors, or the major part of them, that shall be present at a meeting as aforesaid, may know and write down the names of the respective persons to whom the fortunate lots shall belong, and the several sums of money so printed or written on the said fortunate tickets, or lots, respectively, shall be paid by the said managers, and directors, to the person or persons entitled to the same.

X. *Provided always,* That no person, or persons, *Proviso.* claiming any sum or sums of money by virtue of this act, shall be entitled to the same if not demanded in six months after the drawing the said lottery is finished; but the prizes, not demanded in that time, shall be applied to the public use.

XI. *And be it further enacted by the authority aforesaid,* That in fifteen days after the drawing the said

The fortunate tickets to be published in the Gazette.

Managers to determine disputes concerning the property of any ticket. To counterfeit a ticket, felony.

Managers & receivers commissions.

Managers to pay the money they receive to the treasurer.

lottery is finished, the said managers and directors shall cause to be printed, in the Gazette, the number of the ticket drawn against each fortunate ticket, or lot, with the sum such fortunate ticket or lot contains, to the end the fortunate adventurers may have notice thereof: And if any dispute or contention shall arise, about or concerning the property of any ticket, the said managers and directors, or any part of them, shall determine to whom it does belong: And if any person or persons shall forge, or counterfeit, any such ticket or tickets, or bring any forged or counterfeited ticket, or tickets, knowing the same to be such, to the said managers and directors, or any of them, to the intent to defraud any adventurer, upon this act, or any other person, or persons; that then every such person and persons so offending, being thereof convicted, in due form of law, shall be adjudged a felon, and shall suffer as in cases of felony.

XII. And be it further enacted by the authority aforesaid, That out of the money arising by the sale of tickets, as aforesaid, the managers and directors, aforesaid, shall be allowed one per centum upon the whole money received for such tickets, in consideration of their trouble, and providing tickets, books, boxes, clerks, and all other things necessary to be done and provided by them, in and about the execution of this act; and that out of the said money shall be allowed, to the persons appointed to sell the said tickets, two pence for every ticket so to be sold by them, respectively, as a reward for their trouble therein.

XIII. And be it further enacted, by the authority aforesaid, That all the money remaining in the hands of the said directors, and managers, after the deductions aforesaid, and paying off all the prizes, or such of them as shall be demanded, as herein before is mentioned, shall be by the said managers and directors paid to John Robinson, esquire, treasurer of this colony, or the treasurer of the colony for the time being, appointed by, or pursuant to, an act of Assembly; to be applied and disposed of, in the same manner, and to and for the same uses, as the money raised by one act intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects, against the insults and encroachments of the French, is by the said act directed and appointed to be applied.

XIV. *And be it further enacted, by the authority afore-* Lawful to
said, That it shall and may be lawful, for any person purchase
 or persons, natives or foreigners, bodies politic or tickets.
 corporate, to contribute, for or towards the advancing
 of the sum of six thousand pounds, current money, by
 paying, at or before the ninth day of December next,
 to the person or persons appointed to receive the same,
 the sum of one pound one shilling and six pence, cur-
 rent money, for every ticket so taken out of the said
 book, or books, by such person or persons, natives or
 foreigners, bodies politic or corporate.

XV. *And be it further enacted,* That if all the said Method if all
 tickets shall not be sold or disposed of, before the time the tickets
 herein before appointed for the drawing the same, be not sold
 that then the tickets remaining unsold, shall be drawn by the time
 on account, and for the use and benefit of the country. appointed.
 Provided the same do not exceed five thousand; but if
 the remaining tickets shall exceed that number, then
 the said managers shall give public notice thereof, by
 advertising the same six times in the Virginia Ga-
 zette, and in that case shall repay to the several pur-
 chasers of tickets, their executors, administrators or
 assigns, so much money as shall have been by them
 respectively paid, or laid out in the purchase of such
 tickets.

CHAP. II.

*An Act to explain an act, intituled, An act
 for raising the sum of twenty thousand
 pounds, for the protection of his majes-
 ty's subjects, against the insults and en-
 croachments of the French; and for other
 purposes therein mentioned.*

I. WHEREAS by an act passed at a former ses- Preamble,
 sion of this present General Assembly, intituled, An
 act for raising the sum of twenty thousand pounds,
 for the protection of his majesty's subjects, against
 the insults and encroachments of the French; it is

amongst other things enacted, that the sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, should be paid by every tithable person within this dominion, on or before the tenth day of April, now last past, to the sheriff of each county; and the further sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, should also be paid to such sheriff, by every such tithable person, on or before the tenth day of October, now next ensuing, to be collected, levied, accounted for, and applied as in the said act of Assembly is directed. And whereas it hath been doubted, whether the sheriffs in this colony are to collect the last mentioned duty or tax, from the tithable persons according to the lists taken before, and subsisting at the time of passing the said act, or according to the lists to be taken this present year, for explaining whereof,

According to what lists of tithables sheriffs are to collect the duty.

II. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the last mentioned tax or duty, of two shilling and six pence, or thirty pounds of tobacco, shall be paid to and received by the sheriff of each county, according to the lists of tithables taken and returned for this present year. And that the clerks of the several county courts, shall, as soon as such lists be taken and returned to them, respectively, make out and deliver to the sheriff of the county fair copies of such lists, for such sheriff's direction in collecting the said duty.

How the sheriff is to act if any tithable should not be listed, or the duty not paid.

III. *And be it further enacted,* That where the sheriffs shall discover any tithables not inlisted, such sheriff shall be and is hereby impowered and required to collect and levy the said duty of two shillings and six pence, or thirty pounds of tobacco, upon the persons so discovered, and account for upon oath, and pay the same in the same manner as if such tithables had been inlisted. And where any sheriff dies, or is removed from his office before he hath collected all the said duties respectively, it shall and may be lawful for the succeeding sheriff or sheriffs, to make distress upon the slaves, goods, or chattels, of the person or persons so chargeable, and to make sale thereof, in the manner by law directed, in the case of other distresses. And whereas many persons chargeable with the

tax or duty aforesaid, have (imagining that they were obliged to pay the whole tax, ordered to be levied in the said act, according to the list of tithables, taken before the passing the said act) to avoid any further trouble, paid the whole tax into the hands of the sheriffs of their respective counties.

IV. *Be it further enacted, by the authority aforesaid,* That in every such case, where the person paying the same can make it appear, either by the receipt of the sheriff, or other legal proof, that he, or she, has already paid the last mentioned tax, in the act before mentioned, that then so much of the money, that shall appear to have been paid, as aforesaid, shall be allowed by the sheriff in the collecting the last mentioned tax, according to the explanation given by this act. And whereas it hath been represented, that it is necessary in this time of danger, that Fort Cumberland, in Maryland, should be immediately garrisoned.

V. *Be it further enacted,* That the sum of six hundred pounds be paid by the treasurer of this colony, out of the money raised, or to be raised, by the taxes imposed by the said act, to the honourable Robert Dinwiddie, esquire, his majesty's lieutenant governor, and commander in chief of the colony and dominion of Virginia; to be applied towards garrisoning the said fort. And whereas it is necessary that the further sum of ten thousand pounds current money, should be raised for the purposes mentioned in the said act:

VI. *Be it further enacted by the authority aforesaid,* That the sum of two shillings shall be paid for every tithable negroe, mulatto, or Indian slave, within this colony, by the owner or proprietor thereof, to the sheriff of the county wherein such tithables are inlisted, on or before the tenth day of April, next ensuing. And that the sum of one shilling and three pence for every hundred acres of land, and so proportionably for a greater or lesser quantity, shall be paid by the owner and proprietor thereof, on the same tenth day of April, to the sheriff of the county where such lands lie, and to be collected by and according to the rent rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents. And for enabling the sheriffs to collect the said land tax, from the proprietors of land, within the territory of the right honourable Thomas Lord Fairfax.

Where
whole d
has bee.
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Fort Cun
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arrisoned.

Duties on
negroes per
poll.

Land tax.

Method of
collecting
the land tax,
in the north-
ern neck.

VII. *Be it further enacted,* That every such proprietor shall on, or before the first day of January next, deliver to the sheriff of the county wherein he or she shall reside, a just and true account of the quantity of land by him or her held within the territory aforesaid, according to the quantity for which they usually held the same; and every person failing or refusing so to do, shall forfeit and pay the sum of ten pounds, to our sovereign lord the king, to the same uses, as the tax hereby laid is appropriated, and to be recovered with costs by action of debt or information, in any court of record within this dominion; and the sheriffs of the several counties within the said territory are hereby required to collect the said tax from the said proprietors, according to the accounts so to be delivered to them, and in case of failure in payment of the said respective duties or taxes, at the time aforesaid, it shall be lawful for the sheriff of each county to levy the same by distress and sale of the slaves; goods, or chattels of the persons so failing in like manner as is provided in case of other distresses; and where there are no effects to be found upon the lands, hereby chargeable with the said tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of such lands lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found, which sums of money, so to be collected shall be by the sheriffs respectively accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or to the treasurer, for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June, next ensuing, after deducting four per centum, for his salary, in collecting the same, and to be accounted for by the said treasurer to the General Assembly, after deducting five per centum for his salary, in receiving and paying the same.

Sheriff to
give bond.

VIII. *And be it further enacted,* That the sheriff of every county, shall at the first or second court, to be held for his county, after the passing this act, give bond and security, for the due collection and payment of the money, laid and assessed by this act: And if such sheriff shall die or be removed from his office, before the collection is made, the succeeding sheriff, shall in like manner give bond and security, at the time he shall be sworn into his office. And if any

sheriff shall refuse or fail to give security, according to this or the herein before recited act, the county courts are hereby impowered and required to appoint some other person to collect the duties imposed by this and the said recited act, who shall give bond and security, in like manner, and shall have power and authority, and are hereby required, to collect, levy, and account for the said duties in the same manner, as is directed in the case of the sheriff. And if any sheriff or collector, shall neglect or refuse to account for and pay the same accordingly, after deducting the several sums, chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security, for all the money wherewith he shall be chargeable, by virtue of this act, and thereon to award execution. Provided that such sheriff or collector have ten days previous notice of such motion.

IX. *And be it further enacted by the authority afore-* Money ap-
said, That the said treasurer shall out of the money propriated.
 raised, or to be raised, for the protection of his majesty's subjects, against the insults and encroachment of the French, pay to the honourable Robert Dinwiddie esquire, lieutenant governor, and commander in chief of this dominion, a sum of money not exceeding two thousand pounds, to be laid out for and in the raising and maintaining three companies of men, consisting of fifty men each, with their officers, to be employed as rangers, for the protection of the subjects in the frontiers of this colony, as the governor shall direct from time to time, and shall not be sent out of this colony, nor incorporated with the soldiers now in his majesty's service, or made subject to martial law. And in case the said number of Rangers to
 men, cannot be raised, by such as will voluntarily en- be enlisted,
 list io the said service, it shall and may be lawful for or drafted, of
 the county lieutenant, or chief officer of the militia of single men.
 each of the counties of Frederick, Hampshire, and Augusta, by direction from the governor, to draft out of the militia, of the said counties, respectively, such and so many young men of their militia who have not wives or children, as will make up the said number, to be employed in the said service. And if any

person so drafted shall refuse to serve accordingly, every person so refusing shall forfeit and pay the sum of ten pounds to our sovereign lord the king, to the same uses as the tax hereby laid is appropriated, and in case of failure in paying down the same, to such officer (to be by him paid to the sheriff of the county, and accounted for and paid by the sheriff to the treasurer, with the tax aforesaid) or giving sufficient security for the payment of the same, on the tenth day of April next; then such person shall by warrant, from any justice of the peace of the county, be committed to goal, there to remain until he shall agree to enter into the said service, or pay the said penalty, or give security for the same, as aforesaid.

Duty on
slaves im-
ported.

X. *And be it further enacted, by the authority aforesaid,* That from and after the passing of this act, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported, or brought into this colony and dominion for sale, either by land or water, from any part or place whatsoever, by the buyer, or purchaser, after the rate of ten per centum, on the amount of each respective purchase, over and above the several duties already laid on slaves, imported as aforesaid, by an act, or acts of Assembly, now subsisting, and also over and above the duty laid by an act, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi; made in the twenty-seventh year of his present majesty's reign, and continued this present session of Assembly, for the further term of three years, which said additional duty, shall be paid, collected, and accounted for in such manner and form, and according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the duties already raised and imposed upon slaves imported, by the several acts of Assembly now in force; and that every article, rule, and clause, contained in the said acts, concerning the paying, collecting and accounting for the said former duties, shall be used, exercised, and put in practice, for paying, collecting, and accounting for the said duty hereby imposed, as if the same articles, rules, and clauses were inserted in this act.

Continuance
of the duty

XI. *And be it further enacted,* That this act as to so much thereof, as relates to the levying and paying the

said duty of ten per cent. as aforesaid, shall continue, on slaves imported, and be in force, for and during the term of three years, and no longer.

XII. *And be it further enacted*, That the sum of ten thousand pounds, out of the money to be raised in pursuance of this act, and paid to the treasurer, as aforesaid, shall be applied and disposed of in like manner, and to and for the same uses, as the money raised by the herein before recited act, is by the said act directed and appointed to be applied. And whereas by reason of the great scarcity of gold and silver in this colony, the tax imposed by the said act, cannot be collected in time to answer the purposes thereby intended.

XIII. *Be it enacted, by the authority aforesaid*, That it shall and may be lawful for John Robinson esquire, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, to issue or emit at any time or times, before the tenth day of June, next ensuing, and not after, in such proportions as he shall find necessary to answer the demands that shall be made upon him for the purposes aforesaid, any number of treasury notes, so as the whole sum of such notes, so to be issued shall not exceed the sum of twenty thousand pounds current money, which notes shall be prepared, printed, or engraved, and numbered, and signed in such form, and after such method as he the said John Robinson, or the treasurer for the time being, appointed as aforesaid, shall judge most convenient for circulating in payments, and safe from counterfeits and forgeries.

XIV. *And be it further enacted*, That all such notes so issued, shall be redeemable on the last day of June next, and shall then be paid by the said treasurer, with interest, at the rate of five per centum per annum, from the date thereof. And further that all such notes, shall be received and pass, as a lawful tender in any payment, for any debt, demand, or duty whatsoever; except for the payment of his majesty's quit-rents, from and after the issuing of the same, for and during the time before specified, for their redemption at the treasury as aforesaid.

XV. *And be it further enacted by the authority aforesaid*, That if any person or persons, shall forge or counterfeit, alter or erase, any treasury note, issued by virtue of this act, or shall tender in payment by

Appropriation.

Treasury notes to be emitted.

Their currency and redemption.

Felony to counterfeit them, or pass off, knowing

them to be forged. way of barter, or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged, or counterfeited, altered or erased, every such person or persons, so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

Security for their redemption. XVI. *And be it further enacted by the authority aforesaid,* That so much of the money arising or accruing by virtue of the said act, as shall not be issued or applied for the purposes, and in the manner by the said act directed, and the money to be raised by virtue of this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued, and the said John Robinson, or the treasurer for the time being, to be appointed as aforesaid, is hereby required to apply all such money, as shall come to his hands, by virtue of this, and the said recited act, for and towards the redemption of such treasury notes, and to no other purpose.

CHAP. III.

An Act for continuing so much of the act of Assembly, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, as relates to the raising and imposing, collecting and paying, the duties therein mentioned.

Preamble. I. WHEREAS by one act of Assembly, made in the twenty seventh year of his present majesty's reign, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, it is among other thing enacted, that from and after the passing thereof, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony

and dominion for sale, either by land or water, from any part or place whatsoever, by the buyer or purchaser after the rate of five per centum, on the amount of each respective purchase, over and above the duty already laid upon slaves imported, as aforesaid; which said additional duty shall be paid; collected, and accounted for in such manner and form, and according to such rules, and under such penalties and forfeitures, as are mentioned, prescribed and appointed, for the paying, collecting, and accounting for the duty already raised and imposed upon slaves imported, by the several acts of Assembly now in force, and made for that purpose; and that every article, rule, and clause, contained in the said acts, concerning the paying, collecting, and accounting for the said former duty, shall be used, exercised, and put in practice, for paying, collecting, and accounting for the said duty, by the first mentioned act imposed, as if the same articles, rules and clauses, were inserted in the said act. And moreover the duty of twenty shillings, for every coach, chariot, and other four wheeled carriage, (waggons excepted) and ten shillings, for every chair, and two wheeled chaise, to be paid by the owner or proprietor thereof; and that every such owner or proprietor, some time before the tenth day of April yearly, shall deliver a list of each, and every such carriage, to the clerk of the court of the county, wherein the owner shall reside, under the like penalty, and to be recovered in the same manner as is directed, by the act of General Assembly in the case of concealing tithables, which clerk shall forthwith transmit a copy of such list to the treasurer, and deliver another copy thereof to the sheriff of the county; which duty shall be, by such sheriff, collected, levied, and accounted for, and paid to the treasurer, in the same manner as the duties above mentioned. And also the further duty of twenty shillings, for every ordinary licence, to be paid down by the person obtaining the same, to the clerk of the court where such licence shall be granted; and two shillings and six pence for every original writ, in any action, or suit, at common law, and subpoena in chancery, in the general court, for every summons on a petition, for lapsed lands, and for every caveat entered in the secretary's office, and one shilling and three pence, for every such writ or subpoena, in the county or other inferior court, to be

paid down by the plaintiff, in such suit, to the clerk of such court, before such writ, subpoena, or summons shall be issued, or caveat entered, but not taxed in the bill of costs; and, together with the duties upon ordinary licences, accounted for, upon oath, and paid by such clerk to the said treasurer, in the months of April and October, yearly. deducting after the rate of five per centum, for his trouble in receiving, accounting for, and paying the same: And if any such clerk shall neglect, or refuse to account for, and pay the said duties by him received, according to the directions of the said act, it shall be lawful for the general court, or the court whereof he is clerk, upon a motion to them made, by the treasurer, to give judgment against such clerk, for all the said duties so by him received, and thereon to award execution, ten days previous notice being given of such motion, which said recited clause will expire on the fourteenth day of February, in the year of our Lord one thousand seven hundred and fifty seven, and it being necessary that the same should be further continued, for the purposes in the said act mentioned, and for discharging the public debts, and other exigencies of this government.

Continu-
ance.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That so much of the said act, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, as is herein before recited, shall continue and be in force, from and after the said fourteenth day of February, one thousand seven hundred and fifty seven, for and during the term of three years from thence next following, and no longer.

Proviso.

III. *Provided nevertheless,* That where it is necessary in the general court, to sue out several capias's in one suit, at common law, or several subpoenas in chancery, the plaintiff or plaintiffs shall not be obliged to pay the duty for more than one writ or subpoena.

CHAP. IV.

An Act for laying an additional duty on rum, and other distilled spirits, not being of the produce of his majesty's sugar islands.

I. WHEREAS it is represented to this Assembly, that a clandestine and illicit trade is carried on from the British colonies, to the French and neutral islands, whereby those islands are supplied with provisions, for which they barter their distilled spirits, great quantities whereof have of late years been imported into this colony, to the great loss of the fair trader; for discouraging such practices for the future,

Preamble.

II. *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That for every gallon of brandy, rum, and other distilled spirits, not being of the produce of some of his majesty's sugar islands, which, from and after the first day of August next ensuing, shall be imported or brought into this colony, either by land or water, from any port or place whatsoever, except directly from Great Britain, or some of his majesty's sugar colonies, there shall be paid an additional duty, or custom, of four pence, by the owner or importer thereof, over and above all other duties now payable for the same, for and during the term of three years; which additional duty, or custom, of four pence per gallon, shall be paid, collected, and accounted for, in the same manner, and under the same regulations, restrictions, and penalties, as the duties now payable on liquors are prescribed to be paid, collected, and accounted for, by one act of Assembly, made in the nineteenth year of his majesty's reign, intituled, An act for reducing the laws, made for laying a duty on liquors, into one act of Assembly.

Duty.

III. *And be it further enacted, by the authority aforesaid,* That if any question or dispute shall arise, whether any brandy, rum, or other distilled spirits, were imported directly from Great Britain, or some of his

Onus probandi on importer.

majesty's sugar islands, being the produce thereof or not, the *onus probandi* in every such case shall lie on the owner or importer thereof.

Proviso.

IV. *Provided always*, That nothing in this act contained, shall be construed to hinder ships, or other vessels, belonging to the island of Bermuda, from importing directly from thence any rum, or other distilled spirits, being the produce of his majesty's sugar islands.

CHAP. V.

An Act for the further amending the act, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.

Preamble.

I. WHEREAS the warehouses erected for the reception of tobacco, at Chilton's, in the county of Lancaster, and at Lawrence's, in the county of Nansemond, are inconveniently situated.

New warehouses erected.

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That from and after the tenth day of October, in the year of our Lord, one thousand seven hundred and fifty-six, the warehouses at Chilton's and Lawrence's shall be discontinued, and new warehouses erected on the land of Gawin Lowry on the south side the western branch of Corotoman river, in the county of Lancaster, and on the land of Thomas Milner, the younger, on the western branch of Nansemond river, in the said county of Nansemond. And whereas greater quantities of tobacco than usual have of late years been brought to the several warehouses hereafter mentioned, which hath much increased the labour and attendance of the inspectors at the said warehouses,

III. *Be it therefore further enacted, by the authority aforesaid*, That from and after the twentieth day of

October next, there shall be paid to the inspectors at ^{Inspectors} Osborne's, in the county of Chesterfield, the sum of ^{salaries.} fifty pounds per annum; to the inspector's at Bolling's point, in the county of Dinwiddie, the sum of sixty pounds per annum; to the inspectors at Rockey Ridge, in the county of Chesterfield, the sum of forty pounds per annum, to the inspectors at John Bolling's warehouse, in the county of Chesterfield, the sum of thirty pounds per annum; to the inspectors at Page's and crutchfield's, in the county of Hanover, the sum of fifty five pounds per annum; to the inspectors at Fredericksburg, in the county of Spotsylvania, the sum of fifty pounds per annum; and to the inspectors at Warwick, on James river, the sum of fifty five pounds per annum; and to each of the inspectors at Occoquan, the sum of thirty five pounds per annum; and to each of the inspectors at Coan, the sum of thirty five pounds per annum, instead of the salaries now by law established. And whereas many frauds have arisen, by means of the inspectors paying the several pickers of refused tobacco attending their warehouses, out of the tobacco saved by the said pickers for their trouble in picking the same.

IV. *Be it enacted, by the authority aforesaid,* That the inspectors shall issue notes of all tobacco saved by picking, to the proprietors only of such tobacco, and not to the pickers of the same, and that the inspectors shall not suffer or permit any picker to prize up any tobacco that he shall have saved by picking for his own use. And for the settling what shall be paid by inspectors where tobacco shall be reviewed and burnt.

V. *Be it further enacted, by the authority aforesaid,* That where any tobacco shall be offered or tendered in payment by any inspectors in discharge of their notes or receipts, and refused, and shall be, afterwards adjudged bad, unsound, or unmerchantable, by three justices, and burnt according to the directions of the act of Assembly, made in the twenty second year of his present majesty's reign, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs, the justices so appointed to view, in case they condemn such tobacco, shall value the same in money, according to the current price of tobacco at such warehouse, and the inspectors shall immediately pay such valuation to the proprietor of

Inspectors
to pay for
tobacco con-
demned up-
on a view.

such tobacco; and if the inspectors shall refuse or fail to pay the same accordingly, it shall be lawful for the court of the county where the warehouse shall lie, upon a motion to them made, by such proprietor, to enter up judgment for such valuation against the inspectors so refusing or failing, and thereon to award execution. *Provided*, That the inspectors have ten days previous notice of such motion. *

Proprietors to build a brick square, for convenience of burning tobacco.

VI. And whereas the public has sustained great losses, by means of the accidental burning of sundry warehouses appointed for the inspection of tobacco; and there being reason to suspect that such fires have, for the most part, happened from the careless burning of refused tobacco, and from fires made by persons coming to the warehouses; for remedy whereof, *Be it enacted by the authority aforesaid*, That within three months after the passing of this act, there shall be built by the proprietor in some proper place, convenient to every separate inspection, one brick square or funnel, six feet at least above ground, and four feet diameter, with a proper arch at the bottom of the same, for the burning of all the tobacco refused at the said inspection: And if the proprietor shall refuse to build the same, then the court of the county wherein such warehouse shall lie, shall build, at the charge of the said county, such square or funnel, and deduct the same out of the rent arising from the said warehouse.

Penalty on inspectors neglecting to burn refused tobacco.

VII. *And be it further enacted*, That the inspectors failing or neglecting to see all the refused tobacco put into the said brick funnels or squares, and carefully burnt, shall forfeit and pay for every such neglect, the sum of ten shillings, to be recovered before any justice of the peace of the county wherein such warehouse shall lie, by the informer, for his own use.

The penalty on persons making fires in or near the public warehouse.

VIII. *And be it further enacted by the authority aforesaid*, That if any person shall hereafter make any fire within any public warehouse, or without doors near to such house, other than in such squares or funnels, such person, if a freeman, shall, for every such offence, forfeit and pay the sum of ten shillings, to be recovered before any justice of the peace of the county wherein such offence shall be committed, by the informer, for his own use; and if a servant or slave, he or she shall, by order of any justice within such county receive on his or her bare back, ten lashes for every such offence.

IX. *And be it further enacted by the authority afore-* Justices no
said, That if any person, intituled to receive a hogs- power to
 head of tobacco by virtue of any inspector's note, or view after
 receipt, and refusing to accept of the tobacco offered twelve months from
 or tendered in payment, shall not make application the date of
 to the justices, according to the directions of the said the note.
 act, within twelve months after the date of such note,
 or receipt, such justices, after the expiration of that
 time, shall not have power to view and examine such
 tobacco, and cause it to be burnt; any thing in the
 said act, or in any other act contained, to the contra-
 ry notwithstanding.

X. *And be it further enacted, by the authority afore-* Of what date
said, That no crop notes or receipts, of an older date notes are a
 than twelve months, shall be a lawful tender in dis- legal tender,
 charge of any tobacco debt whatever, and that where and if tobac-
 any warehouse shall happen to be burnt, or the to- co destroyed
 bacco therein otherwise destroyed, the loss sustained paid for by
 thereby shall not be made good, and repaired, by the the public.
 General Assembly, to the persons injured, where the
 notes or receipts for the tobacco, burnt or destroyed
 in such warehouse shall be of an older date than twelve
 months; any former law to the contrary notwithstand-
 ing.

CHAP. VI.

An Act for employing and better maintain- Edit. 1769,
ing the Poor. p. 321.

I. WHEREAS the number of poor people hath of Preamble.
 late years much increased throughout this colony, and
 it will be the most proper method for their mainten-
 ance, and for the prevention of great mischiefs arising
 from such numbers of unemployed poor, to provide
 houses for their reception and employment,

II. BE it therefore enacted by the Lieutenant Govern- Vestry to
 or, Council, and Burgesses, of this present General As- cause a
 sembly, and it is hereby enacted, by the authority of the workhouse
 same, That it shall and may be lawful for the vestry to be built,
 of every parish in this colony, to order and cause to and have
 power to

purchase or
rent a tract
of land,
whereon
such houses
shall stand.

be erected, purchased, or hired, one or more house or houses within their parish, for the lodging, maintaining, and employing of all such poor people as shall be upon the parish, or who shall desire relief from the vestry or churchwardens; and to employ all such poor persons, in such works as shall be directed by the said vestry, or churchwardens; and to take and apply the benefit of their labor, for and towards their maintenance and support, and to provide cotton, hemp, flax, or any other necessary materials, implements, or things, for setting the said poor to work: And where any parish shall be too small to purchase, erect, or hire such house, or houses, it shall and may be lawful for the vestries of any two or more of such parishes, lying, adjoining, or convenient to each other, to unite in purchasing, erecting, or hiring such house or houses, for the reception and employment of the poor of their respective parishes: And the said vestry, or vestries, shall have power to purchase or rent a tract of land, whereon the said house or houses shall stand, or be erected, or convenient thereto, not exceeding one hundred acres, for the use of the said poor; and to levy a reasonable allowance in their parish levies, for the education of such poor children as shall be placed in the said house, or houses, until they shall be bound out according to law.

Proviso.

III. *Provided always*, That no poor person shall gain or acquire a settlement, so as to become chargeable to the parish whither he or she shall be removed or placed, by virtue of this act, but shall be deemed a resident, and to belong to the parish from whence he or she was removed.

Churchwardens power to send beggars to such workhouses.

IV. *And be it further enacted, by the authority aforesaid*, That the churchwardens of every parish, or any one of them, shall have power and authority to order the constables in their parish, or such other officer as they shall appoint for that purpose, to convey all and every person and persons who shall be found begging in their parish, to the house or houses so to be provided for the reception of the poor, there to be employed for the space of twenty days, or a less time, in such works and labours as the said churchwardens, or either of them, shall adjudge them able to perform, and to apply the profits of such beggar's labor towards his or her maintenance,

V. *And be it further enacted, by the authority afore-* Vestry pow-
said, That the vestry of every parish wherein any er to ordain
house, or houses, for the reception of the poor shall rules relat-
be, shall have power and authority to make and or- ing to the
dain proper rules and orders, for, and concerning the poor, sent to
work, employment, and correction, of such poor per- such work-
sons as shall be placed or sent there, pursuant to this houses.
act, and to contract with, and appoint one or more fit
person or persons to keep the said house, or houses,
and to oversee the poor, belonging, or sent to such
house, or houses, which person or persons, so to be
appointed, shall have full power to set all such poor
persons as shall be placed or sent there, to work,
and labor, according to their several abilities, and the
rules and orders of the vestry and churchwardens,
and to inflict corporal punishment on such persons,
under his or their care and management, who will
not conform themselves to the said rules and orders,
or who shall behave refractorily, not exceeding ten
lashes at one time, or for one offence; and the person
or persons so to be appointed shall annually, at the
laying of the parish levy, or, when thereto required,
render a true account to the vestry, of the poor under
his or their care, and of the profits arising from their
labor, and how the same have been disposed of; and,
moreover, shall be liable to be displaced by the vestry
when they shall think fit.

VI. *And be it further enacted, by the authority afore-* Poor refus-
said, That if any poor person shall refuse to be placed ing to con-
or to continue at any house, or houses, to be appoint- tinue at any
ed for the reception of the poor, in pursuance of this house ap-
act, he or she so refusing, shall in no wise be entitled pointed in
to ask, demand, or receive any relief, or sum or sums pursuance of
of money, or tobacco, from the vestry or churchward- this act.
ens of his or her parish, except the vestry or church-
wardens, by reason of his or her sickness, or old age,
shall adjudge them incapable of labor, and order other-
wise.

VII. *And be it further enacted by the authority afore-* Churchwar-
said, That the churchwardens of every parish shall dens to keep
keep a book, wherein the names of all persons who a register of
receive relief from the parish shall be registered, with the poor.
the time they were admitted on the parish, and the
occasion of such admittance, which book shall be by
them produced to the vestry, at the laying of the pa-
rish levy, or as often as the said vestry shall think

convenient, and the names of such poor persons shall be called over, and the reasons of their receiving relief examined, and such of the said poor shall then be continued on the parish, or discharged therefrom, as the said vestry shall direct. And that the poor of every parish may be the better known,

Poor to wear
a badge.

VIII. *Be it further enacted, by the authority aforesaid,* That every person who shall receive relief from the parish, and be sent to the said house, or houses, shall, upon the shoulder of the right sleeve of his or her uppermost garment, in an open and visible manner, wear a badge, with the name of the parish to which he or she belongs, cut either in blue, red, or green cloth, as the vestry or churchwardens shall direct; and if any poor person shall neglect or refuse to wear such badge, the vestry or churchwardens of such parish may punish such offence, either by ordering his or her allowance to be abridged, suspended, or withdrawn, or the offender to be whipped, not exceeding five lashes for one offence, or at one time; and if any person, not entitled to relief as aforesaid, shall presume to wear such badge, he or she so offending shall, in like manner, be whipped for every such offence, by order of any justice of the peace, unless he or she shall immediately pay down the sum of ten shillings to the churchwardens, for the use of the poor of that parish where the offence shall be committed.

Public act.

IX. *And be it further enacted, by the authority aforesaid,* That this act shall be taken and allowed in all courts within this colony as a public act, without specially pleading the same,

CHAP. VII.

An Act to amend an act, intituled, An Act declaring the laws concerning executions, and for the relief of insolvent debtors; and for other purposes therein mentioned.

Edit 1769,
p. 323.

Preamble.

I. WHEREAS by an act of General Assembly, made in the twenty second year of the reign of his

present majesty, intituled, An act declaring the law concerning executions, and for the relief of insolvent debtors, it is among other things enacted, that where any writ of execution is sued out upon a judgment, in any action for sterling money, the sheriff or other officer to whom such writ is directed, shall levy the same, in current money, at the rate of twenty five per cent. advance upon the sterling, for a difference of exchange, which is oftentimes found not to be a full satisfaction for the damage sustained by occasion of the non-acceptance, or non-payment of bills of exchange, or sufficient to enable merchants to remit the money due to them in this colony without great loss.

II. *BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That in any action which hath been or shall be commenced, and is or shall be depending, for the recovery of any sterling money, in any court of record in this dominion, wherein the plaintiff or plaintiffs shall recover, such court shall have power, and are hereby directed by rule to be entered, at the foot of their judgment, in such action to order such judgment to be discharged or levied in current money, at such a difference of exchange as they shall think just; any law, usage, or custom, to the contrary thereof, in any wise notwithstanding.

III. *And be it further enacted,* That if any person shall, in any suit hereafter to be brought, declare for sterling money, except where the debt or duty is payable in sterling, the plaintiff in every such suit shall be non-suited; and if any person shall, after the passing of this act, take a bond, obligation, or note, payable in sterling, for any current money debt, and shall bring any suit thereon, the court before whom such suit shall be tried, upon proof being made thereof, shall order the judgment to be discharged or levied in current money, at the rate of twenty five per cent.

IV. *And be it further enacted, by the authority aforesaid,* That in all bills of exchange given after the first day of October next, for any debt due in current money of this colony, or for current money advanced and paid for such bills, it shall be mentioned and expressed in such bills, the sum in current money that was paid or allowed for the same; and, in default thereof, in case such bill shall be protested and a suit brought

Judgment for a sterling debt to be discharged at such a difference of exchange as the court shall think proper.

Where a person may declare for sterling money, where not, and how to be levied.

In all bills of exchange, it is to be expressed what was paid for the same, and the penalty, to insert any o-

ther than the true sum. for the recovery of the money due thereby, the sum of money expressed in such bill shall be held and taken as current money, and judgment shall be entered accordingly: And if any person so receiving or purchasing a bill of exchange shall express or cause to be expressed therein any other than the true sum in current money allowed for the same, every such person so offending, shall forfeit and pay to the person drawing such bill, the whole sum of money for which such bill shall be drawn: to be recovered with costs, by action of debt, in any court of record within this colony, wherein the same shall be cognizable.

V. And to the end people may not be injured, for want of due proof of the rate of exchange so given or allowed for such bills, where the same is not truly expressed therein, such bills being usually negotiated in secret, and with such caution, that it can seldom be detected in the ordinary course of evidence, *Be it further enacted*, That it shall and may be lawful for any drawer of such bill of exchange to exhibit a bill in chancery, in any court of record in this colony, against the person to whom such bill shall be payable, to compel him to discover upon his corporal oath the true difference of exchange given or allowed for such bill; and, in that case, if it shall appear that a less rate of exchange was given or allowed than is expressed, the drawer of such bill shall be discharged from the penalty herein before inflicted for the same; but shall be decreed to pay to the drawer so much money as the rate of exchange allowed shall be less than the rate of exchange expressed, together with the damages of ten per centum, per annum thereon, to the time of such decree, and costs of suit.

VI. And whereas many persons come from beyond sea, and here settle and trade with the subjects of this colony, who become indebted to them on account of such dealings; and the persons so trading, in order to entitle themselves to many advantages allowed to the merchants resididg in Great Britain, and bringing suits here for the recovery of debts contracted there, do pretend that they are factors for some persons beyond the sea; and do accordingly commence suits, in the names of such pretended principals, although it is reasonable that the debts so contracted should be considered, in all respects, as other debts between persons residing in this colony: for remedy whereof,

VII. *Be it enacted, by the authority aforesaid,* That where any suit shall hereafter be brought, in the name or names of any person or persons residing in Great Britain, or Ireland, for the recovery of any debt due for goods actually sold, and delivered here, by his or their factor or factors, it shall be mentioned and expressed, in the declaration or petition in such suit, by what factor or factors the goods and merchandizes for which the debt sued for became due, were sold, and delivered; or in default thereof such suit shall be dismiss'd, with costs, and the factor or factors, so to be named, shall be allowed to take the same oath to his book of accounts, or to a copy thereof, in case his book shall not be required to be produced; which shall be allowed as evidence, in the same manner, and under the like limitation and restrictions, as if the suit was brought in the name of such factor. And that such factor, or factors, shall not further or otherwise be admitted as a witness in such suits, or be entitled to any allowance for his attendance as a witness.

To prevent certain practices amongst factors.

VIII. *And be it further enacted,* That all such suits shall be commenced and prosecuted within the time appointed and limited for the bringing the like suits, by an act of Assembly, made in the fourth year of the reign of her late majesty, queen Anne, intituled, An act for the limitation of actions, and avoiding of suits, and not after, notwithstanding the saving in the said act to persons beyond the sea, at the time their causes of action accrued.

Limitation.

IX. *Provided nevertheless,* That if any factor shall happen to die before the expiration of the time in which such suit should have been brought, such principal shall be allowed two years from the death of such factor; to commence and prosecute his, her, or their action for any debt due to him, her, or them, on account of any contract or dealing with such factor.

Proviso.

X. *And be it further enacted, by the authority aforesaid,* That in all petitions brought for the recovery of such debts, if the plaintiff shall recover, a lawyer's fee shall be taxed in the bill of costs, in case the factor, so to be named in the petition, shall be unable to attend the court in person, or the defendant resides in another county than where the debt is contracted, and not otherwise.

Lawyer's fee to be taxed.

XI. And whereas by an act of Assembly, made in the twenty second year of the reign of his present ma-

jesty, intituled, An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein, it is amongst other things directed, that every sheriff shall, before his being sworn into, and executing his office, enter into bond, with sufficient sureties, in the sum of one thousand pounds current money, for his true and faithful performance of his office; but such bonds being payable to his majesty, it hath been doubted, whether the securities of a sheriff can be made liable on such bond, for any money or tobacco, levied and received by such sheriff, upon any writ of execution, or for officers fees and dues put into his hands to collect; for explaining whereof.

Sheriffs to
give bond.

XII. *Be it enacted by the authority aforesaid,* That every person accepting a sheriff's commission, shall before his being sworn into or executing his office, enter into one bond before the justices of his county court, with two good and sufficient securities at the least, in the sum of five hundred pounds, with a condition in the following form, *to wit:*

The form.

The condition of the above obligation is such, that whereas the above bound A. B. is constituted and appointed sheriff of the county of _____ during pleasure, by commission from the governor, under the seal of the colony, dated the _____ day of _____ last past; if therefore the said A. B. shall well and truly collect all quit-rents, fines, forfeitures, and amerciaments, accruing or becoming due to his majesty, in the said county, and shall duly account for, and pay the same to the officers of his majesty's revenue for the time being, on or before the second Tuesday in June annually, and shall in all other things truly and faithfully execute the said office of sheriff during his continuance therein; then the above obligation to be void, otherwise to remain in full force and virtue:

And shall also enter into one other bond, before such court, and with the like sureties, in the sum of one thousand pounds, with a condition in the following form, *to wit:*

The condition of the above obligation is such, that whereas the above bound A. B. is constituted and appointed sheriff of the county of _____ during pleasure, by commission from the governor, under the seal of the colony, dated the _____ day of _____

last past; if therefore the said A. B. shall well and truly collect and receive all officers fees and dues, put into his hands to collect and duly account for, and pay the same to the officers to whom such fees are due, respectively, at such times as are prescribed and limited by law; and shall well and truly execute, and due return make, of all process and precepts to him directed, and pay and satisfy all sums of money and tobacco by him received, by virtue of any such process, to the person or persons to whom the same are due, his or their executors, administrators or assigns, and in all other things shall truly and faithfully perform the said office of sheriff, during the time of his continuance therein, then the above obligation to be void, otherwise to remain in full force and virtue:

Both which bonds shall be made payable to his majesty, his heirs and successors; and that in the name of his majesty, and his successors, any person or persons injured may and shall, at his or their costs and charges, commence and prosecute suits on such last mentioned bond, against the parties therein bound, their executors or administrators, and shall and may recover all damages which he, she, or they may have sustained, by reason of the breach of the condition of such bond; and such bond shall not become void upon the first recovery, or if judgment shall be given against any plaintiff or plaintiffs, who shall sue on such bond, but may be put in suit and prosecuted, from time to time, for the benefit, and at the proper costs and charges of any party injured, until the whole sum of one thousand pounds, the penalty expressed in such bond, shall be recovered.

XIII. *Provided always*, That if any verdict or *Proviso*. judgment shall pass for such sheriff or his security, the person at whose instance such suit shall be brought or prosecuted, shall pay such sheriff, or his security their costs.

CHAP. VIII.

Edit. 1769,
 p. 326.
 *An Act for the prohibiting the Inspectors
 of tar, pitch, and turpentine, from pur-
 chasing such commodities.*

Preamble.

I. WHEREAS it is represented to this General Assembly, that it is of pernicious consequence to permit the inspectors of tar, pitch, and turpentine, to buy for themselves, or any other person, any such commodity.

Inspectors of
 tar, &c. their
 duty.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, no person or persons, appointed to inspect the filling of tar, pitch, or turpentine, shall, during his or their continuance in such office, directly, or indirectly, for himself or themselves, or for any other person or persons, buy or receive, by way of barter, loan or exchange, or by any other ways or means, any tar, pitch, or turpentine whatsoever, except for his or their own use, under the penalty of forfeiting five shillings for every barrel of tar, pitch, or turpentine, so bought or received; to be recovered with costs, by action of debt or information, in any court of record within this dominion, where the penalty or forfeiture exceeds twenty five shillings; and where the same does not exceed that sum, before any justice of the peace of the county where the offence shall be committed; one moiety whereof shall be to our sovereign lord the king, his heirs and successors, for and towards the better support of this government, and the contingent charges thereof, and the other to the person or persons who shall inform or sue for the same.

CHAP. IX.

*An Act for the relief of the proprietors of
the tobacco burnt in Bolling's Point
warehouse, in the county of Dinwiddie.*

I. WHEREAS by a late accidental fire, large quantities of tobacco were burnt at the public warehouses at Bolling's point, in the county of Dinwiddie; an account of which tobacco, as near as could be collected, with the names of most of the proprietors, is stated in the memorial of the inspectors at said warehouse, and contained in a schedule hereunto annexed; but by reason of several difficulties, and particularly for want of proper vouchers and accounts; the exact quantity of the said burnt tobacco, and the names of the proprietors thereof, cannot be known; for remedy whereof, and to the end it may fully appear to whom the said burnt tobacco belonged; and that a just account thereof may be stated, and the sufferers receive satisfaction for their several losses; Preamble.

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, Commissioners.
and it is hereby enacted by the authority of the same,
That John Jones, Isham Eppes, Richard Bland, Stephen Dewey, William Poythress, John Banister, and Robert Ruffin, gentlemen, shall be, and they are hereby constituted and appointed commissioners for taking, examining, and stating the accounts, claims, and demands of all the proprietors, not mentioned in the said schedule, of the tobacco burnt in the said warehouses, which shall appear to them to have been inspected, and refused by the inspectors at the said warehouses, but not picked and reprized by the proprietors and owners thereof; and of such tobaccos as were not inspected before the burning of the said warehouses. And for the better enabling the said commissioners, or any four or more of them, to take and state the said accounts,

III. Be it further enacted, by the authority aforesaid, Their powers.
That the said commissioners, or any four or more of them, are hereby authorized and impowered to meet at such time or times, and at such places as they shall think fit; of which time and place, public notice, shall

be advertised in the Virginia Gazette, and at the said warehouses at least one month before such meeting, and to examine any person or persons they shall judge necessary for their information, in all things relating to the said accounts, and to administer an oath or affirmation, as the case shall be for the better discovering of the true quantity of the said burnt tobacco, to any person or persons.

Commissioners to take an oath.

IV. *And be it further enacted by the authority aforesaid,* That every of the said commissioners hereby constituted before he enters upon the execution of this act, shall take an oath before the county court of Dinwiddie, the tenor whereof, shall be as followeth; that is to say,

The form.

I A. B. do swear, that I will, according to the best of my skill and knowledge, faithfully, impartially, and truly demean myself in taking, examining, and stating the accounts, claims, and demands of the proprietors of the tobacco burnt in Bolling's point warehouse, [according to the directions of the act, intituled, An act for the relief of the proprietors of the tobacco burnt in Bolling's point warehouse, in the county of Dinwiddie.

Their direction in stating the accounts.

V. *And be it further enacted, by the authority aforesaid,* That in stating the said accounts, the said commissioners, or any four or more of them, shall, and they are hereby required, to distinguish the number of hogsheads of such tobacco, burnt in the said warehouse, before the same were inspected, and the number of hogsheads that were refused by the inspectors, and burnt before the same were picked, with the names of the several owners and proprietors thereof, which said accounts, the said commissioners, or any four or more of them, shall deliver to the treasurer of this colony, under their hands and seals, within two months after the same shall be stated and settled.

After what rate the treasurer is to pay to the sufferers, respectively.

VI. *And be it further enacted, by the authority aforesaid,* That the said treasurer out of the money to be raised by virtue of this act, shall on the last day of October, in the year of our Lord, one thousand seven hundred and fifty six, pay to the sufferers, respectively, with an interest of five per centum, per annum, from the passing of this act, according to the several quantities of tobacco by them lost, as stated in the accounts of the said commissioners; and also to the several proprietors of the tobacco which had been in-

spected, and passed by the inspectors at the said warehouse, mentioned in the schedule aforesaid, after the rates following, that is to say, for the crop tobacco passed between the tenth day of November, one thousand seven hundred and forty eight, and the tenth day of November, one thousand seven hundred and fifty one, eight shillings and four pence per centum: for the crop tobacco passed from the tenth day of November, one thousand seven hundred and fifty two, to the twentieth day of October, one thousand seven hundred and fifty three, twelve shillings and six pence, per centum: for the crop tobacco passed from the twentieth day of October, one thousand seven hundred and fifty three, to the twentieth day of October, one thousand seven hundred and fifty four, fourteen shillings per centum: for the crop tobacco passed from the twentieth day of October, one thousand seven hundred and fifty four, fifteen shillings per centum: and for the crop tobacco refused, but not picked, allowing five hundred pounds nett for each hogshead, twelve shillings and six pence, per centum: and for the tobacco burnt before it was inspected, allowing one thousand pounds nett for each hogshead, twelve shillings and six pence per centum. And whereas, sixteen thousand three hundred and eighty nine pounds of tobacco, saved out of the crop tobacco, burnt at the said warehouse, now remain in the inspectors hands; and there are due, and owing from the said inspectors, sixteen thousand and ninety two pounds of tobacco, upon outstanding transfer notes:

VII. *Be it further enacted, by the authority aforesaid,* That it shall, and may be lawful to, and for the said inspectors, and they are hereby required to pay off, and discharge the said sixteen thousand and ninety two pounds of tobacco, due from them upon outstanding transfer notes, out of the said sixteen thousand three hundred and eighty nine pounds of tobacco, so saved out of the burnt tobacco, as aforesaid, and the overplus shall be by them sold, and accounted for, to the treasury for the use of the public.

How the Inspectors may pay off their outstanding transfer notes.

VIII. *And be it further enacted, by the authority aforesaid,* That from and after the twentieth day of October next, an additional duty of three shillings and six pence, shall be paid for every hogshead of tobacco, passed at the several warehouses in this colony, by the owners or proprietors thereof; which said

Additional duty on every hogshead of tobacco passed which the inspectors are

obliged to
collect.

duty, the several inspectors at the said warehouses, shall, and they are hereby impowered and required, to collect and receive without any fee or reward, of, and from the said owners or proprietors, before they deliver such tobacco out of their respective warehouses, and shall be by them accomnted for upon oath, and paid to John Robinson, esquire, treasurer, or to the treasurer of this colony, for the time being, appointed, by, or pursuant to an act of Assembly, to be by the said treasurer applied in paying the several proprietors of the tobacco burnt as aforesaid, and such further uses, as shall be directed by the Assembly.

Continu-
ance.

IX. *And be it further enacted, by the authority aforesaid,* That this act, as to so much thereof, as relates to the said duty, shall continue, and be in force until the twentieth day of October, which shall be in the year of our Lord, one thousand seven hundred and fifty six, and no longer.

CHAP. X.

An Act for reviving an act, intituled, An act for preserving the breed of Sheep.

Preamble.

I. WHEREAS the act of Assembly made in the twenty fifth year of the reign of his present majesty, intituled, An act for preserving the breed of sheep, expired at the end of the session of Assembly, held in the month of August last, and the inhabitants of the counties of James City, York, Warwick, Elizabeth City, Richmond, Fairfax, Middlesex, Essex, Gloucester, Charles City, King George, Northampton, Westmoreland, Northumberland, Lancaster, Goochland, King William, New Kent, King and Queen, Prince George, and Princess Anne, having found the usefulness of the said act, are desirous that the same may be revived and continued:

To what
counties this
act extends.

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the first day of July

next, it shall not be lawful for any negroe, or other slave or slaves, in the counties aforesaid; and in the counties of Stafford, Prince William, Norfolk, Spotsylvania, Nansemond, and Accomack, in going from one plantation to another, to carry with him, her, or them, any dog whatsoever, other than is herein after excepted, and if any slave or slaves, shall presume to carry about with him, her, or them, any dog, contrary to the intention of this act, it shall, and may be lawful, for any person or persons whatsoever, to kill and destroy every such dog; and moreover the slave or slaves so offending shall upon complaint made before any justice of the peace, receive on his, her, or their bare back, ten lashes, by order of such justice.

III. *And be it further enacted by the authority aforesaid,* That no more than two dogs, shall be kept at any negroe quarter, in the counties aforesaid, at one time; and in case more dogs shall be found to belong to the same quarter, it shall be lawful for any person or persons to kill and destroy every dog kept at such quarter above that number, by order of any justice of the peace; and the several constables at the time of their viewing tobacco fields, in the counties aforesaid, are hereby required and impowered to examine into the number of dogs kept at the several negroe quarters in their precincts, and to kill and destroy every dog kept thereat, exceeding two. And whereas dogs frequently ramble from home and destroy great numbers of sheep, and some persons are so unneighbourly as to refuse their being killed.

No more than two dogs to be kept at any negroe quarter in the several counties mentioned in this act.

IV. *Be it further enacted, by the authority aforesaid,* That it shall, and may be lawful, for any justice of the peace, upon due proof made to him, of any dogs killing sheep, to order such dog to be destroyed forthwith.

Dogs killing sheep, may be destroyed by order of any justice.

V. *Provided,* That nothing herein contained shall be construed to hinder any person or persons from sending his, or their slave or slaves from place to place, with his, or their hounds, spaniels, pointing or setting dogs, for his, or their diversion, as they might have done before the making of this act.

Servants not hindered from carrying hounds, &c. from place to place, for their master's diversion.

VI. *And be it further enacted,* That this act shall continue, and be in force for, and during the term of three years, and from thence to the end of the next session of Assembly.

Continued.

M M M—Vol. 6.

CHAP. XI.

An Act for establishing Pilots, and regulating their fees.

Preamble.

I. WHEREAS it is necessary for the safety and preservation of ships and vessels coming into the bay of Chesapeak, bound up the rivers of this dominion, that able and experienced pilots should be established, to conduct such vessels for reasonable fees to their several moorings, and to prevent ignorant or unqualified persons from undertaking such pilotage:

Governor to nominate, and the method of his appointing pilots.

II. BE it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the governor, or commander in chief of this colony and dominion, for the time being, shall be, and is hereby impowered and requested, to nominate and appoint such, and so many persons as he shall think fit for each district in this colony, to examine all who shall desire to be admitted pilots; and if upon such examination the party shall appear of sufficient skill and ability, the examiners, or any three or more of them, shall certify the same to the governor, or commander in chief, who thereupon is requested to grant such party a branch, and thenceforth he shall be reputed a lawful pilot: And if any person not having such branch, shall presume to take upon himself to conduct or pilot any ship or vessel coming from sea, to any place or places herein after mentioned, every such person shall forfeit and pay for the first offence, ten pounds current money; for the second offence, twenty pounds; and for every offence thereafter, forty pounds of like money, to be recovered with costs by action of debt in any court of record of this dominion, by the informer, or party suing for the same; and moreover such person shall be liable for all damages occasioned by his undertaking the pilotage, to be recovered by action at the common law, at the suit of the party or parties grieved.

Penalty on persons acting as pilots, without being appointed according to this act.

Not to extend to any person assisting a ship in distress.

III. Provided always, That this act shall not extend, or be construed to hinder any person or persons from assisting any ship or vessel in distress, or subject such person or persons to the penalty thereof.

And whereas great inconveniencies have arisen from pilots entering into combination or partnerships, which has occasioned great neglect of their duty; for prevention whereof:

IV. *Be it further enacted, by the authority aforesaid,* No more than two pilots to be in partnership. That from and after the first day of December next, no more than two pilots shall be in partnership, under the penalty of one hundred pounds to the informer, to be recovered with costs by action of debt in any court of record of this dominion. And for the encouragement of pilots to do their duty:

V. *Be it further enacted, by the authority aforesaid,* Duty of pilots. That all pilots shall keep a good look out, and that every master of a merchant's vessel coming from sea, shall be obliged to receive the pilot who first offers to conduct his vessel, or shall pay him half pilotage to the first port, and then may continue the same, or choose another pilot, or proceed without any pilot, if he thinks fit. And if any pilot not being hindered by sickness, or other lawful cause, shall refuse to go on board any vessel, when required by the master to execute his office, he shall upon complaint and conviction of such refusal before the examiners, or any three or more of them, and by them certified to the governor, be liable to be suspended by him, for such term or time, as he shall think fit.

VI. *And be it further enacted, by the authority aforesaid,* Remedy when pilots loosing vessels through negligence. That if any pilot shall negligently or carelessly loose the vessel under his care, and be thereof convicted by due course of law, he shall be for ever after such conviction, incapacitated for acting as a pilot, and shall also be liable to pay all such damages as any person or persons shall sustain by such negligence or carelessness, to be recovered as is before directed. And for preventing any exorbitant demands for pilotage.

VII. *Be it further enacted by the authority aforesaid,* The prices. and it is hereby enacted, That the following, and no greater or other prices shall be taken or demanded: *to wit:*

LAWS OF VIRGINIA,

On James River, for all Ships, Snows, or Brigantines.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
From Cape Henry, or Lynhaven Bay, to Hampton Road, or Sewell's Point,		1	0	0
	To Norfolk,	per foot,	0	1 8
	To sleepy Hole, or Sack-Point Nansemond,	per foot,	0	2 0
From Hampton Road, or Sewell's Point,	To Pagan Creek,	per foot,	0	1 6
	To James Town,	per foot,	0	4 6
	To Merchants Brandon,	per foot,	0	5 0
	To Flower de Hundred,	per foot,	0	5 6
	To Westover,	per foot,	0	6 0
	To City Point, or Bermuda hundred,	per foot,	0	7 0

On York River.

From the Cape, or Lynhaven River, to York Town,		2	0	0
Back River, or Egg Island, to York Town,		1	0	0
York to West Point	per foot,	0	3	0
West Point, to Holt's, or Dansie's,	per foot,	0	1	0
West Point to Littlepage's, or to the highest landing ships can go to on Pamunkey River,	per foot,	0	1	6
West Point to Shepherd's,	per foot,	0	0	6
To Meredith's, Moore's, or the highest landing on Mattapony River,	per foot,	0	1	0
The Cape, to any river, in Mobjack bay, the same pilotage as to York Town,				

On Rappahannock River.

From the Cape to Urbanna,		3	0	0
Urbanna to Hobb's Hole,	per foot,	0	2	6
Hobb's Hole, to Mulberry Island, or Naylor's Hole,	per foot,	0	1	3
Mulberry Island to Leeds,	per foot,	0	1	3
Leeds, or Micou's, to Port Royal,	per foot,	0	2	0
The cape into Piankitank, to Kemp's warehouse, or any other place, the same pilotage as to Urbanna.				

On Patomack River.

From Cape Henry to Smith's Point on South

Patomack,		5	0	0
Smith's Point to Coan,	per foot,	0	1	6
To Yeocomico,	per foot,	0	1	7
To Machodack,	per foot,	0	1	8
To Nomini,	per foot,	0	1	10
To Maddox,	per foot,	0	2	0
To Upper Machodack,	per foot,	0	2	3
To Nangomy,	per foot,	0	3	6
To Boyd's Hole,	per foot,	0	4	0
To Quantico,	per foot,	0	4	6
To Alexandria,	per foot,	0	6	6

And the same fees back again from the several places aforesaid, to the capes, and no more. And for all sloops and schooners, two thirds of the rates of pilotage: And if any pilot shall demand or take any other or greater fee, he shall forfeit double the pilotage so demanded, recoverable before a justice of peace, with costs, by the informer, to his own use.

VIII. *Provided always*, That no masters of ships or vessels shall be obliged to take a pilot who shall not offer himself below Willoughby's Point, to James River; Egg Island, to York; Gwyn's Island, to Rapahannock, or Smith's Point to Potomack rivers; but every ship or vessel having no pilot on board, and following another that has a pilot, shall pay him half fees. And to the end that strangers may not be imposed on in the rates of pilotage, as settled by this act.

When masters of ships may refuse employing pilots when they offer.

IX. *Be it enacted, by the authority aforesaid*, That every pilot appointed in pursuance of this act, shall be obliged, when he is in the execution of his office, to carry with him a copy thereof, and when he receives his fees for services performed on board any ship or vessel, he shall produce the said copy to the master of such ship or vessel, to shew that he demands no greater fee or reward than what is allowed by this act, and if any such pilot shall neglect or refuse to produce such copy, as aforesaid, he shall forfeit and pay twenty pounds to any person who shall sue for the same, to be recovered with costs, in any court of record within this dominion.

Every pilot to produce a copy of the prices settled by this act, to the master of whom he receives his fees.

X. *And be it further enacted, by the authority aforesaid*, That this act shall continue and be in force, *Continued.*

from the passing thereof, for and during the term of two years, and from thence to the end of the next session of Assembly.

CHAP. XII.

Edit. 1769,
p. 327.

An Act for appointing several new ferries.

Preamble.

I. WHEREAS it is represented to this present General Assembly, that public ferries, at the places hereafter mentioned, will be of great service to travellers and others,

The ferries
established
by this act.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That public ferries be constantly kept at the following places, and that the rates for passing the same, shall be as follows, to wit, from the land of Thomas Swearingen, in the county of Frederick, over Patomack river, to the land opposite thereto in the province of Maryland, the price for a man, three pence three farthings, and for an horse, the same. From the land of Lawrence Washington, in the county of Stafford, over the said river, to the land opposite thereto, in the province of Maryland, the price for a man, two shillings and six pence, and for an horse the same. From Fort point, on Hog Island, over James river, to Higginson's landing, in the county of James City, the price for a man, one shilling and three pence, and for an horse the same. From the land of George Stovall, in the county of Albemarle, over the Fluvanna, to the land of George Stovall, in the county of Bedford, and from the land of the said George Stovall, in the county of Bedford, to the land of George Stovall, in the county of Albemarle, the price for a man, three pence, and for an horse the same. From the land of Anne Fleet, in the county of King and Queen, across Mattapony river, to the land of Thomas Fox, in the county of King William, and from the land of the said Thomas Fox, to the land of the said Anne Fleet, the price for a man,

seven pence half penny, and for an horse the same. From the land of Anderson Doniphan, in King George county, to the land of Lawrence Battaile, in the county of Caroline, the price for a man, three pence, and for an horse the same. From the land of Field Jefferson, on the north side of Roanoke, in Lunenburg county, to the land opposite thereto, the price for a man, four pence, and for an horse the same. From the land of James Hunt, in the county of Lunenburg, over Stanton river, to the land of Abraham Abney, in the county of Halifax, the price for a man, four pence, and for an horse the same. From the land of Joseph Mayes, in the county of Halifax, over Stanton river, to the land opposite thereto, the price for a man, two pence, and for an horse the same. And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at any of the places aforesaid, the ferry keepers may demand and take the following rates, to wit, For every coach, chariot, or waggon, and the driver thereof, the same as for six horses: For every cart, or four wheeled chaise, and the driver thereof, as for four horses: For every two wheeled chaise or chair, as for two horses: For every hogshead of tobacco, as for one horse: For every head of nett cattle, as for one horse: For every sheep, goat, or lamb, one fifth part of the ferriage of one horse: And for every hog, one fourth part of the ferriage of one horse; according to the prices herein before settled at such ferries, respectively, and no more.

III. *And be it further enacted, by the authority aforesaid,* That for the greater convenience of passing to and from the ferry, to be kept from Fort Point aforesaid, the justices of the county of Surry, shall, and they are hereby required, within six months after passing this act, at the charge of the said county, to cause to be erected a bridge over Hog Island creek, where the road leading to Fort Point aforesaid, crosses the same; and such bridge when erected, the said justices and their successors, shall, from time to time, keep well and sufficiently repaired.

IV. *And be it further enacted, by the authority aforesaid,* That if the said justices shall neglect, or refuse to erect such bridge as aforesaid, or the same, (when erected) to keep in good and sufficient repair, every justice so neglecting, or refusing, shall forfeit and pay one thousand pounds of nett tobacco, to be recovered

The justices of Surry to cause a bridge to be built over Hog Island creek.

Penalty on failure.

by action of debt to the use of the informer, in any court of record wherein no protection or essoign, shall be allowed.

V. And whereas by an act of the General Assembly, made in the twenty second year of his present majesty's reign, intituled, An act for the settlement and regulation of ferries, and for dispatch of public expresses, a public ferry was established from the land of Littleton Eyre, on Hungar's river, in the county of Northampton, over the bay of Chesapeák, to the towns of York, Hampton, and Norfolk, but no provision was made in the said act for preventing other persons from setting over the said bay, for reward any person or persons, which is very prejudicial to the keeper of the said ferry, for remedy whereof:

No one for reward to set any persons over the bay, from Northampton to the towns of York, Hampton, Norfolk, or places adjacent, but the keeper of the ferry.

VI. *Be it enacted, by the authority aforesaid, That* no person whatsoever shall for reward, set any person or persons over the said bay, from the said county of Northampton, to the said towns of York, Hampton, or Norfolk, or any other place adjacent to the said towns; and if any person shall offend herein, he or she, so offending, shall forfeit and pay five pounds current money, for every offence, to be recovered by the keeper of the said ferry, for his own use, by action of debt or information, in any county court in this dominion.

CHAP. XLII.

An Act for paying the Burgesses wages, for this present session of Assembly.

Preamble.

I. WHEREAS by an act of Assembly, made in the fourth year of the reign of her late majesty queen Anne, intituled, An act for regulating the elections of Burgesses, for settling their privileges, and ascertaining their allowances, it is amongst other things enacted, that the allowance for Burgesses attending the General Assembly, should be as followeth, that is to say, for every Burgess coming by land, one hundred and thirty pounds of tobacco, and cask a day; besides

the necessary charge of ferriage, and for every Burgess who could not come to the General Assembly, otherwise than by water, one hundred and twenty pounds of tobacco, and cask a day, to be paid them by the county, for which they serve respectively, besides an allowance for divers days of travelling to, and from the General Assembly, as in the said act is particularly mentioned. And whereas by one other act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands to discharge all the debts due from the public, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a balance of one thousand five hundred pounds at the least; then every Burgess elected and serving for any county or corporation, should be paid out of the public money, the sum of ten shillings for each day he should serve in the house of Burgesses, and for the days of coming to, and returning from the General Assembly, according to the first recited act, in lieu of all other demands for that service, with a further allowance to the Burgesses for the counties of Accomack and Northampton, and others coming to the General Assembly by water, as in the said act is particularly directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session, cannot be discharged in money, according to the last mentioned act, and the same must be paid by the several counties; but for as much as the allowances according to the first mentioned act, are very unequal by reason of the various prices of tobacco, in the different parts of this colony: For making the same more equal and just,

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the several county courts, within this colony, except the counties of Augusta, Frederick, and Hampshire, shall at the laying of their next county levy,

How the Burgesses of the several counties shall be paid.

N N N—Vol. 6.

raise and levy so much tobacco, as will be sufficient to pay the wages of their respective Burgesses, for this present session of Assembly, according to the directions and regulations in the said last recited act mentioned, and shall cause the tobacco so levied, to be sold, and such wages paid out of the money arising by such sale, on or before the first day of July next ensuing; and that the several county courts of Augusta, Frederick, and Hampshire, shall also at the times aforesaid, levy and pay in money the wages of their respective Burgesses for this present session of Assembly. And whereas no allowance is settled for the Burgesses of several counties, which have lately taken place, for their travelling to, and from the General Assembly,

The days allowed the several Burgesses for coming to, and returning from every session.

III. Be it therefore enacted, by the authority aforesaid, That to the Burgesses for the counties of Augusta, Hampshire, and Halifax, there shall be allowed six days; to the Burgesses for the counties of Albemarle, Bedford, Frederick, and Lunenburg, five days; to the Burgesses for the counties of Amelia, Culpeper, Cumberland, Fairfax, Louisa, Prince Edward, and Orange, four days; to the Burgesses for the county of Dinwiddie, two days; and to the Burgesses for the counties of Chesterfield, Southampton, and Sussex, two days, for coming to, and as many days for returning from every session of Assembly.

CHAP. XIV.

An Act for laying a public Levy.

The public levy.

I. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That six pounds and an half of tobacco be paid by every tithable person within this dominion, for the defraying and payment of the public charge of the country; being the public levy, from the first day of November, one thousand seven hundred and fifty three, to the first day of May, one thousand seven hundred and fifty

five, and that it be paid by the collectors of the several counties, to the several persons and counties, respectively, to whom it is proportioned by this General Assembly: And if it shall happen that there shall be more tithables in any county, than the present levy is laid on, then such county shall have credit for so much to the use of the county, and if fewer tithables in any county, then such county shall bear the loss.

II. *Provided always*, That where any allowance is made in the book of proportions to any county, to be paid in the same county, no more per poll shall be collected from the tithables of such county, than will discharge the balance, after such allowance shall be deducted, and that every county court shall regulate the levy accordingly. How to be regulated by the county court.

III. *And be it further enacted, by the authority afore-* Sheriff to give bond.
said, That the sheriff of every county shall, at the time of giving bond for the due collection and payment of the next county levy, also give bond and security, for the due collection and payment of the public levy, now laid and assessed.

CHAP. XV.

An Act for reviving an act, intituled, An act for allowing fairs to be kept in the town of Alexandria.

I. WHEREAS the act of Assembly made in the Preamble. twenty fifth year of his present majesty's reign, intituled, An act allowing fairs to be kept in the town of Alexandria, expired at the end of the session of Assembly held in the month of August last, and it being necessary and convenient at this time, to revive and continue the same:

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same*, That for the future, two fairs shall, and may be annually kept and held in the said town of Alexandria, on the last Thursday in May, and the last Thursday Two fairs to be kept annually at certain days.

in October, each to continue for the space of two days, for the sale and vending of all manner of cattle, victuals, provisions, goods, wares, and merchandizes whatsoever; on which fair days, and on two days next before, and two days next after each of the said fairs, all persons coming to, being at, or going from the same, together with their cattle, goods, wares: and merchandizes, shall be exempt and privileged, from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for any controversies, suits, and quarrels that may arise and happen during the said time, in which cases, processes may be immediately issued, and proceedings thereupon, had in the same manner, as if this act had never been made. And that this act shall commence immediately after the end of this session of Assembly, and continue and be in force for ten years, and from thence to the end of the next session of Assembly, and no longer.

Not to infringe the prerogative.

III. *Provided always*, That nothing herein contained shall be construed, deemed, or taken to derogate from, alter, or infringe the royal power and prerogative of his majesty, his heirs or successors, of granting to any person or persons, body corporate or politic, the privilege of holding fairs or markets in such manner, as he or they, by his or their royal letters patents, or by his or their instructions to the governor or commander in chief of this dominion, for the time being, shall think fit.

CHAP. XVI.

An Act to oblige persons who bring tobacco and other goods to Westham, to pay storage for the same.

Storage payable at Westham.

I. WHEREAS by an act of Assembly made in the nineteenth year of his majesty's reign, intituled, An act for giving a certain sum of money to the trustees, for clearing the river Fluvanna, and for appointing a store house at Westham, and for other purposes there-

in mentioned; it was, and is, amongst other things enacted, that a public store house should be appointed at Westham, on the land of William Byrd, and that it should be constantly kept and maintained by the proprietors thereof, for the receiving tobacco, and all other goods; and certain prices were, by the said act, settled to be paid for the storage of tobacco, and other goods brought to the said storehouse. And whereas in pursuance of the said act, the said William Byrd, hath been at a considerable expence in erecting and building store houses at Westham, for the reception of tobacco, and other goods; and the said William Byrd hath represented to this present General Assembly, that many persons, bring their tobacco to his land, where the store houses are erected, at Westham aforesaid, and leave the same on his said land, till they think proper to take the same away, but refuse to make use of the said store houses, in order to avoid the payment of storage.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the passing this act, it shall, and may be lawful to, and for the said William Byrd, and the proprietor of the said store houses for the time being, to demand and receive of, and from all and every person and persons whatsoever who shall bring tobacco, or other goods to Westham aforesaid, and suffer the same to remain there twenty four hours, the same rates and prices, for the storage of all such tobacco and other goods, as is settled and appointed to be paid by the fore recited act of Assembly, notwithstanding such person or persons shall neglect or refuse to make use of the said store houses; any law, usage, or custom, to the contrary, in any wise, notwithstanding.*

CHAP. XVII.

An Act for enabling the inhabitants of the counties of Princess Anne and Norfolk, to pay their public dues in money.

Public dues of Princess Anne and Norfolk, payable in money.

I. WHEREAS the low situation of the counties of Princess Anne and Norfolk, renders many of the inhabitants thereof incapable of making tobacco, by means whereof they are subject to great impositions in discharging their tobacco debts; for remedy whereof,

II. *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the justices of the said counties of Princess Anne and Norfolk, shall annually in their county courts, in the months of September or October, settle and fix a price on tobacco, which shall not be under ten shillings per hundred, and that it shall, and may be lawful to, and for all and every person and persons chargeable with any tobacco for public dues, or officers fees, payable in the said counties of Princess Anne and Norfolk, to pay and discharge the same, in money, at such fixed price; any law, usage, or custom, to the contrary thereof, in any wise notwithstanding.*

 CHAP. XVIII.

An Act for dissolving the vestry of the parish of St. Andrew, in the county of Brunswick, and electing a new vestry in the said parish.

Vestry of parish of St. Andrew in Brunswick dissolved.

I. WHEREAS it hath been represented to this present General Assembly, that the late election of vestrymen, in the parish of St. Andrew, in the county of Brunswick, was illegal, and the inhabitants of

the said parish have petitioned, that the said vestry may be dissolved, and another elected.

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the vestry, or pretended vestry of the said parish of St. Andrew, shall be, and the same is hereby dissolved, and that all, and every act and acts, thing and things, which at any time or times hereafter, shall or may be performed, suffered or done, by them as a vestry, or pretended vestry of the said parish, shall be, and are hereby declared to be utterly void, to all intents and purposes whatsoever. Provided that all and every levy and levies, heretofore laid, and every other act and thing, by the said vestry or pretended vestry done or suffered, shall be good, valid, and effectual, in as full and ample manner, as if the election of the said vestry had been legal and regular.

III. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parish of St. Andrew, shall meet at some convenient time and place to be appointed, and publicly advertised, at least twenty days, by the sheriff of the said county of Brunswick, before the first day of September next; and then and there elect twelve of the most able and discreet persons of the said parish, to be vestrymen thereof, which said vestrymen, so elected, having in the court of the said county of Brunswick, taken and subscribed the oaths appointed to be taken, by one act of parliament made in the first year of the reign of his late majesty king George the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late Princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England, shall, to all intents and purposes, be deemed, and taken to be the vestrymen of the said parish.

CHAP. XIX.

An Act for dividing the parish of Nottoway into two distinct parishes, and for other purposes therein mentioned.

Parish of
Nottoway, in
Amelia county
divided,
and parish
of St. Patrick
formed.

I. WHEREAS by one act of Assembly made in the twenty seventh year of his majesty's reign, the county of Amelia was divided into two distinct counties; and all that part thereof which lay above a line to be run from Ward's Ford, on Appomattox river, to the mouth of Snail's creek on Nottoway river, was erected into a new county, and called by the name of Prince Edward, but the same was not then separated from the parish of Nottoway. And whereas the inhabitants of the said county of Prince Edward have petitioned the present General Assembly, that the said county may be erected into a distinct parish, and that the parish of Nottoway may be obliged to refund to the said county of Prince Edward, when erected into a parish, a proportionable part of the tobacco levied for building two new churches, and of the money expended on the glebe land, the said churches and glebe being all in the lower part of the said parish of Nottoway;

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the first day of September next, the said county of Prince Edward shall be a distinct parish, and called and known by the name of St. Patrick.

III. *And be it further enacted, by the authority aforesaid,* That the freeholders and housekeepers of the said parish of St. Patrick, shall meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county of Prince Edward, at least twenty days before the said first day of September next following, and then and there elect twelve of the most able and discreet persons of their parish, to be vestrymen thereof: which vestrymen, so elected, having in the court of the said county of Prince Edward, taken and subscribed the oaths appointed to be taken by one act of parliament, made in the first year of the reign of his majesty king George

the first, intituled, An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; and taken and subscribed the oath of abjuration, and repeated and subscribed the test, and also subscribed to be conformable to the doctrine and discipline of the church of England; shall, to all intents and purposes, be deemed and taken to be the vestry of the said parish. And upon the death, removal, or resignation of any of the vestrymen, the remaining vestrymen shall be, and they are hereby empowered to choose and elect another vestryman, in the room of such vestryman so dying, removing, or resigning; and that the remaining vestrymen of the said parish of Nottoway, choose and elect so many vestrymen in their parish, as will make up the number of vestrymen twelve.

IV. *And be it further enacted by the authority aforesaid,* That the vestry of the said parish of Nottoway, shall refund and pay to the vestry of the said parish of St. Patrick, one hundred and ninety seven pounds, fourteen shillings and six pence, to be levied for them in their next parish levy; and sixteen thousand, nine hundred and forty seven pounds of tobacco, in their parish levy, which shall be in the year of our Lord, one thousand seven hundred and fifty six, being their proportion for building the said two churches, and purchasing the glebe land, and building houses thereon, to be applied towards lessening the levy of the said parish of St. Patrick.

V. *Provided always,* That nothing herein contained shall be construed to hinder the collector of the said parish of Nottoway, as the same now stands undivided and entire, from collecting and making distress for any parish levies which shall remain unpaid by the inhabitants of the said parish of Saint Patrick, at the time of its taking place; but such collector shall have the same power to collect and distrain for the said levies, and shall be answerable for them in the same manner, as if this act had never been made, any law, usage, or custom to the contrary, in any wise, notwithstanding.

VI. And whereas by one act of Assembly made in the twenty fifth year of his majesty's reign, the coun-

ty of Lunenburg, and parish of Cumberland, were divided into two counties and parishes; and all that part lying on the south side of Black Water creek, and Staunton river, from the said Black Water creek, to the confluence of the said river with the river Dan, and from thence to Aaron's creek to the county line, was erected into a distinct county and parish, by the name of the county of Halifax, and parish of Antrim.

VII. And whereas by one other act of Assembly made in the twenty seventh year of his majesty's reign, the said county of Lunenburg, and parish of Cumberland, were again divided into two counties and parishes, and all that part thereof that lay above Falling river, up the said river, to the fork running by John Beard's to the head; thence by a line to be run from the head thereof, north twenty degrees east, to the line dividing that county from the county of Albemarle, was erected into one other distinct county and parish, and called by the name of Bedford, and parish of Russel; and before the division thereof, according to the said two recited acts, the inhabitants of the parish of Cumberland, as the same stood undivided, had been at great expence in purchasing a glebe, and building churches, all which are in that part of the said parish, which retains the name of Cumberland.

VIII. And whereas before the divisions of the said county of Lunenburg, as aforesaid, large quantities of tobacco were levied in the books of the public proportion; for the use of the said county, as the same stood entire and undivided, that is to say, in the year one thousand seven hundred and forty eight, thirty nine thousand, one hundred and twenty eight pounds; in the year one thousand seven hundred and fifty two, forty three thousand, one hundred and fifty six pounds; and in the year one thousand seven hundred and fifty three, eight thousand one hundred pounds; amounting in the whole to ninety thousand, three hundred and eighty four pounds of nett tobacco, which ought to have been applied towards lessening the levy by the poll, in the said county, in the years in which the same were levied, respectively; But forasmuch as the same hath not been done, and it is reasonable that the said counties of Halifax and Bedford, should receive their proportionable part of the said tobacco, according to

the number of tithables in each of the said counties, at the time the said several quantities of tobacco were levied.

IX. *Be it therefore enacted by the authority aforesaid,* That Richard Bland, John Ruffin, John Jones, James Murray, and Richard Witton, or any three or more of them, be, and they are hereby appointed commissioners, to examine, state, and settle the accounts of all the tobacco which was levied in the book of the public proportion in the years aforesaid, for the use of the said county of Lunenburg, before the divisions thereof, and also the accounts of all the tobacco which was levied by the vestry of the said parish of Cumberland, before the divisions thereof, as aforesaid, for purchasing the said glebe, and building the said churches, and to apportion the same, according to the number of tithables in the said counties and parishes, respectively, at the time the said several quantities of tobacco were levied, the glebe purchased, and the churches built.

X. *And be it further enacted, by the authority aforesaid,* That the court of the said county of Lunenburg, and the vestry of the said parish of Cumberland, shall refund and pay to the courts of the said counties of Halifax and Bedford, and to the vestries of the said parishes of Antrim and Russel, respectively, their proportionable part of the said tobacco, as the same shall be settled by the said commissioners, to be applied towards lessening the levies of the said counties and parishes respectively.

CHAP. XX.

An Act for the relief of those persons who were sufferers in the loss of the records of the county of Nansemond, whose cases have not already been provided for. Edit. 1769,
p. 328.

I. WHEREAS it was enacted, by one clause of the act made in the fifteenth year of his majesty's reign,

Further provision for sufferers, by the loss of records in Nansemond.

for the relief of certain persons who were sufferers in the loss of the records of the county of Nansemond; that to the end other persons who had not been able to produce witnesses before the commissioners, appointed by a commission issued under the great seal of the colony, pursuant to the act of Assembly, made in the eighth year of his majesty's reign, intituled, An act for the relief of such persons as have suffered, or may suffer by the loss of the records of Nansemond county, lately consumed by fire, in relation to their deeds, and other evidences, which may have been lost among the records of the said county, one or other, or more commissions, should, and might be issued and continued by the governor and commander in chief of this colony, for the time being, for examining other witnesses, and perpetuating the testimony thereof, in relation to all deeds, wills, inventories, or other writings recorded in the said county court, where the original has been lost pursuant to the last mentioned act of Assembly, to be executed and returned, as in the said act is directed. And whereas pursuant thereto, a commission hath issued under the great seal of the colony, to John Milner, and nineteen others directed, who made a return of the said commission and their proceedings in the premisses, whereby it doth appear, that they have examined divers witnesses, and taken their depositions to a copy of John Grimes's will, which original will was burnt amongst the records of the said county, by which depositions it does appear, that the same is a true copy. And whereas pursuant to the directions of the said act of Assembly, another commission hath issued under the great seal of this colony, to William Baker, and twelve others directed, who made a return of the said commission and their proceedings in the premisses, whereby it doth appear, that they have examined divers witnesses, and taken their depositions to a deed made by Christopher Gewin, the younger, to Alexander Avera, by which depositions it doth appear, that the said Christopher Gewin, for a valuable consideration, sold to the said Alexander Avera, two hundred and sixty seven acres of land, lying and being situate in the upper parish of Nansemond county, which said land, the said Christopher purchased of one John Spivy, by deeds bearing date the second day of August, in the year of our Lord, one thousand seven hundred and

eleven; that the said deed from Gewen to Avera, was recorded in Nansemond county court, some time in the year one thousand seven hundred and thirty one, and is burnt amongst the records of the said court, and that the said Alexander Avera, now is, and hath been in the peaceable and quiet possession of the said land, from the time of making the said deed; therefore for making the same effectual:

II. *Be it enacted, by the Lieutenant-Governor, Council and Burgessess, of this present General Assembly, and it is hereby enacted by the authority of the same, That from henceforth the proof of the said deed before mentioned, shall, and may be given in evidence in any court of law or equity, and shall avail to the benefit and advantage of the said Alexander Avera, his heirs and assigns, and all persons claiming by, from, or under him or them, or any of them, as much as the same can, or ought to avail, and it shall and may be lawful for the clerk of the county court of Nansemond, to record the said copy of the will of the said John Grimes, which hath been proved to be a true copy, though not attested by any sworn clerk. And to the end that other persons who have not yet been able to produce witnesses before the said commissioners, in relation to their deeds and other evidences, which may have been lost amongst the records of the said county:*

III. *Be it further enacted, by the authority aforesaid, That one other or more commissions, shall, and may be issued and continued by the governor or commander in chief of this colony, for the time being, for examining other witnesses and perpetuating the testimony thereof, in the relation to deeds, wills, inventories, and other writings, recorded in the said county court, where the original has been lost pursuant to the said act of Assembly, to be executed and returned, as in the said act is directed.*

CHAP. XXI.

An Act to impower the Secretary of this colony, to sell certain lands therein mentioned.

Secretary
authorised
to sell cer-
tain public
lands.

I. WHEREAS the office of secretary of this colony, is an office of great trust, and for the better supporting the dignity thereof, one certain parcel of land, situate, lying and being in the parish of Hungars, in the county of Northampton, containing by estimation, five hundred acres, by an order of the quarter court, made in pursuance of an instruction from the company of adventurers, for the first colony of Virginia, dated the twenty fourth day of July, one thousand six hundred and twenty one, was annexed to the said office; and one other parcel of land, situate, lying and being in the parish of James City, in the county of James City; containing by estimation, six hundred acres, by patent bearing date the fourteenth day of November, in the year one thousand six hundred and thirty seven, was granted to Richard Kemp, esquire, secretary of state, and his successors, for ever yielding and paying therefore yearly a quit rent of four pence. And whereas by one act of Assembly made in the twelfth year of the reign of his late majesty king George the first, intituled, An act to make the secretary of the colony in Virginia, for the time being, a person capable in law to take and hold certain lands therein mentioned, and to make leases thereof: It is amongst other things enacted, that John Carter, esquire, then secretary, for, and during the time that he should enjoy the said office, and the secretary of this colony for the time being, should for ever hereafter be personable and capable in law, to take and hold the said two parcels of lands, as his, or their freehold, and it should or might be lawful, for him or them, from time to time, by any writing or writings, under his or their hands, to demise or lease the said lands, or any part or parcel thereof, for any term or number of years, not exceeding twenty one, or for one, two, or three lives, so as such lease be not made in reversion; and upon every such demise or lease, there be reserved payable half yearly, during such term, as

much rent as could at the making such lease, be really gotten for the same, and that such rent be made payable to, or for the only use and benefit of the person making such lease, during the time he should hold the said office, and the secretary of the said colony, for the time being, and so as no fine or consideration be taken for the same, and so as such person or persons, to whom such lease or leases, should be made, or his or their assigns, be not dispunishable of waste. And whereas the secretaries of this colony have been obliged to lease out the said lands, at small and inconsiderable rents, the tenants being unwilling to build thereon, and it will be more for the advantage and benefit of the secretary, for the time being, and his successors, if the said lands were sold; the money arising from such sale, secured for their use, and the yearly interest thereof paid them. And the Burgesses of this General Assembly considering the great and necessary expences they are at in defending his majesty's just rights, and the inhabitants of this colony from the encroachments and invasions of the French; and that the public treasury is now in very low circumstances, are willing that the said money should be received and secured in the treasury, and that an annual interest should be paid for the same, so long as the money shall be continued there; and Thomas Nelson, esquire, deputy secretary of this colony, is desirous that the said lands may be sold for the purposes aforesaid: May it therefore please your most excellent majesty, at the humble suit of the said Thomas Nelson, that it may be enacted.

II. *And be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said Thomas Nelson be, and he is hereby authorised and impowered to sell the said parcel of land, lying and being in the parish of Hungars, in the county of Northampton, and the said other parcel of land, lying and being in the parish of James City, in the county of James City, herein before mentioned, with the appurtenances, for the best price that can be got for the same, after publicly advertising the time and place of such sale, three times in the Virginia Gazette, at least three months before the said sale, and to seal and deliver a deed or deeds of bargain, and sale indented for conveying the fee simple

estate and inheritance of the said lands and appurtenances, to the purchaser or purchasers thereof; which deed or deeds, shall be acknowledged or proved, and recorded according to law, and such purchaser or purchasers, his, her or their heirs and assigns, shall for ever hereafter by virtue of the said deed or deeds and this act, hold and enjoy the said lands, with the appurtenances, freed and discharged from all claims of the secretary of this colony, for the time being, and his successors, any law, custom, or usage to the contrary thereof, in any wise notwithstanding. Saving to the king's most excellent majesty, his heirs, and successors, and to all and every other person and persons, bodies politic and corporate, their respective heirs and successors, other than the secretary of this colony, for the time being, and his successors, all such right, title, interest, claim, and demand, as they, or any of them, had or should, or might have had, if this act had never been made, *Provided always*, That the said Thomas Nelson, by himself, or any person in trust for him, shall not directly or indirectly, purchase the said lands or any part thereof: And if any purchase shall be made contrary to the intent and meaning of this act, the same shall be void, and of none effect: *Provided also*,

III. *And it is hereby further enacted*, That the purchaser or purchasers of the said lands, his or their heirs and assigns, shall hold the same of his majesty, his heirs and successors, under the yearly quit-rent, of one shilling sterling, for every fifty acres thereof, and so proportionably for a greater or lesser quantity, any law, usage, grant or custom to the contrary notwithstanding.

IV. *And be it further enacted, by the authority aforesaid*, That the said Thomas Nelson, shall pay the money arising by the sale of the said lands, after deducting the charges of this act to the treasurer of this colony, for the time being, to be by him applied towards discharging the public debts of this colony, and accounted for to the General Assembly, and the said treasurer shall give to the said Thomas Nelson, a receipt for the money aforesaid, and shall annually pay to the secretary of this colony, for the time being, and his successors, or his or their lawful deputy or deputies, interest for the said money, after the rate of five per centum, per annum, until the General Assembly

shall direct the same to be laid out in some other manner, for the use of the said secretary, and his successors. And for securing the payment of the said money and interest.

V. *Be it further enacted, by the authority aforesaid,* That the revenues or duties arising by the importation of liquors and slaves, shall stand and remain as a security for the payment of the yearly interest of the said money, until the said money shall be otherwise disposed of, and withdrawn from the treasury; and also for the repayment of the said money, when the General Assembly shall direct the same to be laid out in some other manner, for the use of the said secretary, and his successors.

VI. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXII.

An Act to confirm and establish an agreement made between William Withers and Augustine Washington, and for other purposes therein mentioned.

I. WHEREAS John Withers formerly of the county of Stafford, in this colony, deceased, was in his life time, seised in his demesne, as of fee, amongst other lands, of a certain tract or parcel of land, lying and being in the parish of St. Paul, in the county of Stafford, containing five hundred and thirty three acres, more or less, called and known by the name of Chotank; and being so seised, by his last will and testament, bearing date the twenty ninth day of August, one thousand six hundred and ninety eight, devised the same to his daughter Sarah Withers, for her life, and after her decease, to his cousin William Withers, and the heirs male of his body, and for default of such issue, to Mr. Thomas Withers, of Lancaster, in Great Britain, and his heir male, and for

Agreement between William Withers and Augustine Washington, for lands in Stafford established.

P P P—Vol. 6.

want of such heirs, to any one proving themselves to be of the name of Withers, as by the said will may more fully appear, and died so seised; and the said William Withers, died in this colony, soon after the said testator John Withers, without issue male, having never been married: And the said Thomas Withers, in the will aforesaid named, afterwards departed this life in England, leaving issue Edmund Withers, his eldest son and heir male, who also died in England, leaving his brother William Withers, another son of the said Thomas Withers his heir male; and the said William Withers last named, also died in England, leaving issue Thomas Withers, his eldest son and heir male, who also died there, leaving issue William Withers, his eldest son, and heir male of his body. And whereas the said Sarah Withers, the daughter and devisee of the said John Withers, in the will aforesaid named, after the death of her said father, entered into the said tract or parcel of land, called Chotank, and afterwards intermarried with one Christopher Conoway, and after the death of her said husband, by her certain indentures of lease and release, bearing date respectively, the twelfth and thirteenth days of June, one thousand seven hundred and twentyseven, for the considerations therein mentioned, did sell and convey the said tract or parcel of land, called Chotank, to Augustine Washington, late of the county of King George, now deceased, and to his heirs and assigns for ever; and the said Augustine Washington, entered into the said tract or parcel of land, called Chotank, and by his last will and testament in writing, bearing date the eleventh day of April, one thousand seven hundred and forty three, devised the same to his son Samuel Washington, now an infant, and his heirs; and by his said will directed, that if the said land, called Chotank, should be recovered from the said Samuel Washington, that then he should have an equivalent out of the estate by the said will devised to his son Augustine Washington, as by the said will may more fully appear. And whereas several disputes and controversies have arisen between the said William Withers and Samuel Washington, concerning their respective rights to the said five hundred and thirty three acres of land, called Chotank, after the death of the said Conoway, who is still living, the said William Withers claiming the same as

heir male under the aforesaid will of the said John Withers, and the said Samuel Weshington insisting that he hath the right to the said land, under the aforementioned deeds of the said Sarah Conoway, and the said in part recited will of the said Augustine Washington, and the said disputes and controversies, concerning the title to the said lands, will be very tedious and expensive, as the witnesses, to prove the pedigree of the said William Withers, are ancient and infirm, and most of them live in Great Britain; whereupon it hath been agreed between the said William Withers, and the said Augustine Washington, who is desirous to secure a title to the said Samuel Washington, as by the will of his said father Augustine Washington, he ought to do, for the final ending, settling and determining the said disputes and controversies, that the said William Withers, for, and in consideration of the sum of six hundred pounds current money of this colony, to be paid to him by the said Augustine Washington, with interest thereon, from the twentieth day of May, one thousand seven hundred and fifty four, would convey to the said Samuel Washington, and to his heirs, all his estate, right, title, and interest of, in and to the said five hundred and thirty three acres of land, called Chotank, after the death of the said Sarah Conoway, And whereas the said William Withers and Augustine Washington, have applied to this General Assembly, for an act to confirm and establish the said agreement, having made publication of their design, three Sundays successively, in the churches of the said parish of St. Paul, where the said five hundred and thirty three acres do lie; and forasmuch as the same is very just and reasonable: May it please your most excellent majesty, for preventing all further disputes and controversies, between the said William Withers and Samuel Washington, and their heirs, touching the right of the said five hundred and thirty three acres of land, called Chotank, with the appurtenances, at the humble suit of the said William Withers and Augustine Washington, that it may be enacted:

II. And be it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the agreement above mentioned, between the said parties, be, and is hereby confirmed and es-

tablished, and shall ever hereafter be valid and binding between them, and their heirs, and all others claiming under the aforesaid will of the said John Withers.

III. *And be it further enacted, by the authority aforesaid,* That the said Augustine Washington, shall, within eighteen months, after the passing this act, pay and satisfy to the said William Withers, the sum of six hundred pounds, with interest thereon, from the twentieth day of May, one thousand seven hundred and fifty four, and the said William Withers, shall immediately thereupon seal and deliver to the said Samuel Washington, one or more good and sufficient conveyance or conveyances in the law for conveying the absolute and fee-simple estate and inheritance of the said five hundred and thirty three acres of land, to the said Samuel Washington, his heirs and assigns for ever; and thereupon the said five hundred and thirty three acres of land, shall be held, possessed, and enjoyed, by the said Samuel Washington, under the restrictions, and according to the intent of the said Augustine Washington in his will aforesaid specified.

IV. Saving to the king's most excellent majesty, his heirs and successors, and every other person and persons, bodies politic and corporate, their respective heirs and successors, all such right, title, interest, claim and demand, of, in, and to the said five hundred and thirty three acres of land, called Chotank, other than the persons claiming under the will aforesaid, of the said John Withers, as they, every, or any of them, should or might claim, if this act had never been made.

V. *Provided always,* That the execution of this act shall be suspended until his majesty's approbation thereof shall be obtained.

CHAP. XXIII.

An Act for dissolving the present vestry of the parish of Cople, and electing a new vestry for the said parish.

I. WHEREAS it is represented to this Assembly, Vestry of pa-
 that several persons for many years past, have act-
 ed, and still continue to act, as vestrymen of the pa-
 rish of Cople, in the county of Westmoreland, who in West-
 are not duly elected for that office; for remedy where-
 county dis-
 solved.
 of,

II. *Be it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the vestry or pretended vestry of the said parish of Cople, is hereby dissolved, and that all and every act and acts, thing and things, which at any time or times hereafter, shall or may be performed, suffered or done by them as a vestry or pretended vestry of the said parish, shall be, and are hereby declared to be utterly void to all intents and purposes whatsoever.*

III. *Provided always, That all and every levy and levies heretofore laid, and all and every other act and acts, thing and things, by the said vestry or pretended vestry done or suffered, shall be good, valid, and effectual, in as full and ample a manner, as the same would have been, if the said vestry had been duly elected.*

IV. *And be it further enacted by the authority aforesaid, That the freeholders and housekeepers of the said parish of Cople, shall meet at some convenient time and place, to be appointed and publicly advertised at least twenty days before, by the sheriff of the said county of Westmoreland, before the twentieth day of July next, and then and there, elect twelve of the most able and discreet persons of their parish, to be vestrymen of the said parish; which said vestrymen so elected, having taken the oaths appointed by law, and subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes, be deemed and taken to be the vestrymen of the said parish.*

CHAP. XXIV.

An Act for dissolving the vestry of the upper parish in the county of Nansemond.

Vestry of
upper parish
in Nanse-
mond coun-
ty dissolved.

I. WHEREAS it hath been represented to this Assembly, by several of the vestrymen and others of the upper parish, in the county of Nansemond, that many of the vestrymen of the said parish are old and infirm, and thereby rendered unable to perform their duty, and that others of the said vestry have refused to act as vestrymen, and have prayed to be dissolved:

II. Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same, That the vestry of the said upper parish be, and it is hereby dissolved, and that all and every act and acts, thing and things, which at any time or times hereafter shall or may be performed, suffered, or done by them, as a vestry of the said parish, shall be void and of none effect.

III. And be it further enacted by the authority aforesaid, That the freeholders and housekeepers of the said upper parish, shall meet at some convenient time and place, to be appointed and publicly advertised, at least one month before, by the sheriff of the said county of Nansemond, before the first day of August next, and then and there, elect twelve of the most able and discreet persons of the said parish, to be vestrymen of the said parish; which said vestrymen so elected, having taken the oaths appointed by law, and subscribed to be conformable to the doctrine and discipline of the church of England, shall to all intents and purposes, be deemed and taken to be the vestrymen of the said parish; and that upon the death, removal out of the parish, resignation or refusal to act, of any of the vestrymen of the said parish, the minister and rest of the vestry make choice of some other able and discreet person or persons of the said parish, to supply his or their room.

IV. And whereas by an act of the General Assembly, made in the twenty fifth year of the reign of his present majesty, intituled, An act to enable the vestry of the upper parish in Nansemond county, to sell cer-

tain lands, and for other purposes therein mentioned, the vestry of the said parish were impowered to sell certain lands therein mentioned, and to apply the money arising from the sale thereof, for, and towards the erecting a house for the reception of the poor of the said parish, and for such other charitable uses, as the vestry of the said parish, for the time being, should think necessary. And the vestry of the said parish, pursuant to the said act, have sold the said lands and applied the money arising from the sale, in erecting a house for the reception of divers poor persons, who receive relief from the said parish, and for educating and maintaining several poor children, and have ordained and established sundry good and convenient rules and orders relating to the said house, and the poor received, employed, and educated therein; and it will be necessary that the same, and all other acts of the said vestry, should be confirmed and established.

V. *Be it therefore further enacted by the authority aforesaid,* That all and every act and acts, thing and things, rules and orders, done, made or established by the said vestry, as well relating to the said house, by them erected, and the poor placed, or to be placed therein, as to any other parochial matter be, and the same are hereby confirmed and declared to be valid and binding on the vestry to be elected, by virtue of this act: And the said last mentioned vestry, shall have full power and authority to levy a reasonable allowance in their parish levy, for the education and maintainance of the poor children, now placed, or to be placed in the said house.

ANNO REGNI

GEORGI II,

**Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, vicesimo nono.**

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord, George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, one thousand seven hundred and fifty two. And from thence continued by several prorogations, to Tuesday the fifth day of August, in the twenty-ninth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty five, and then held at the Capitol in the City of Williamsburg; being the seventh session of this Assembly.

Robert Dinwiddie, esq.
governor.

CHAP. I.

An Act for raising the sum of forty thousand pounds, for the protection of his majesty's subjects on the frontiers of this colony.

I. WHEREAS it is necessary that the further sum of forty thousand pounds should be raised for the defence of the country in this present time of danger,

Preamble.

Q q q—Vol. 6.

The several
taxes.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the sum of one shilling shall be paid for every tithable person in this colony, to the sheriff of the county where such tithable shall be inlisted, by the person inlisting such tithables, on or before the tenth day of April, one thousand seven hundred and fifty seven; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and fifty eight; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and fifty nine; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and sixty; which duties shall be collected by the sheriffs according to the list of tithables taken, and subsisting at the time of payment in each year. And where the sheriff shall discover any tithables not enlisted, such sheriff is hereby impowered and required, to collect and levy the said duties respectively, upon the person so discovered, and account for and pay the same, in like manner as if such tithable had been enlisted. And that the sum of one shilling and three pence, for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on the said tenth day of April, in each of the said years, one thousand seven hundred and fifty seven, and the three next following, to the sheriff of the county, wherein such lands lie, and to be collected by, and according to the rent rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents, in each of the said years. And for enabling the sheriffs to collect the said land tax, from the proprietors of lands, within the territory of the right honourable Thomas Lord Fairfax.

Poll-tax.

Land-tax.

How to be
collected
within the
territory of
Lord Fairfax.

III. *Be it further enacted,* That every such proprietor shall, on or before the first day of January, immediately preceeding the time of payment, in each of the said years, deliver to the sheriff of the county, where he or she shall reside, or the lands lie, a just and true account of the quantity of land, by him or

her held, wltin the said territory, according to the quantity, for which they have usually held the same; and every person failing so to do, shall forfeit and pay the sum of ten pounds, for every such failure; and the sheriff of the several counties within the said territory, are hereby required to collect the said land tax from the said proprietors, according to the accounts so to be delivered to them, respectively; and in case of failure in payment of the said land tax or poll tax, at the times herein before limited, for the payment thereof, respectively; it shall be lawful for the sheriff of each county, to levy the same by distress and sale of the slaves, goods or chattels of the person so failing, in like manner as is provided in case of other distresses, and where there are no effects to be found upon the lands, hereby chargeable with the said land tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of the land lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found.

IV. *And be it further enacted*, That the several sums of money to be collected in pursuance of this act, for the said land tax and poll tax, shall be by the sheriffs respectively, accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June next following, the time herein before limited, for payment of the said duties in each year, after deducting five per centum, for each sheriff's salary, in collecting the same, and be accounted for by the said treasurer, to the General Assembly, after deducting two per centum, for his salary in receiving and paying the same, and the salary herein after allowed, for emitting treasury notes.

The money to be collected by this act, to be paid to the treasurer.

V. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall, on or before the first day of December, one thousand seven hundred and fifty six, give bond and security before the court of the county whereof he is sheriff, for the due collection and payment of the said duties, so to be collected by him the year ensuing, and every sheriff shall in like manner, on or before the first day of December, in each of the three following years give bond and security, for the collection and payment of

Sheriff to give bond and security.

the several duties by this act required, to be collected and paid in the year next following, the time of giving such bond, respectively. And if any sheriff shall die, or be removed from his office, after having given such bond, and before the collection is made, for which such bond is given, the succeeding sheriff shall in like manner give bond and security, at the time he shall be sworn into his office, and shall collect; levy, and account for, so much of the said duties, as shall remain unpaid to the sheriff so dying or being removed, and if any sheriff shall refuse or fail to give security, according to the directions of this act, the county court is hereby empowered and required to appoint some other person to collect the duties imposed by this act, and directed to be collected by such sheriff; and the person appointed, shall give bond and security, in like manner, and shall have power and authority and is hereby required to collect, levy, and account, for the said duties in the same manner, as is directed in the case of the sheriff. And if any sheriff or collector shall neglect or refuse to account for, and pay the said duties according to the directions of this act, after deducting the several sums chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security, for all the money wherewith he shall be chargeable by virtue of this act, and thereon to award execution: *Provided*, That such sheriff or collector have ten days previous notice of such motion.

Remedy
against sher-
iff failing to
account.

Penalties to
the king,
and how re-
coverable.

VI. *And be it further enacted*, That all the penalties and forfeitures inflicted by this act, and not otherwise directed, shall be to our sovereign lord the king, to, and for the same uses, as the taxes imposed by this act are herein after appropriated, and shall and may be recovered with costs, by action of debt, or information, in any court of record, in this dominion.

Directors
appointed,
and their du-
ty.

VII. *And be it further enacted by the authority aforesaid*, That John Robinson, Peyton Randolph, Charles Carter, esquires, Carter Burwell, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, and Edmund Pendleton, gentlemen, or any seven

of them, shall from time to time with the consent and approbation of the governor, or commander in chief for the time being, direct and appoint how the said money shall be applied towards the raising, maintaining, arming and providing for so many men, to be employed for the protection of his majesty's subjects, in the frontiers of this colony, as they shall think necessary, so as that the whole number, so to be raised and employed, (including the soldiers now in the pay of this colony, the fifty men appointed to garrison Fort Cumberland, and the three companies of rangers formerly directed to be raised) do not exceed twelve hundred men: And that the said directors, shall, as often as there shall be occasion of money, for the uses aforesaid, apply themselves to the governor, or commander in chief, to issue his warrant to the treasurer, for paying so much money, as shall be wanting for the purposes aforesaid, not exceeding the sum of thirty thousand pounds, who is hereby required to pay the same accordingly. And the said directors, shall keep an account of their proceedings, and of the several particular services, for which they shall appoint the said money to be laid out, in pursuance of this act, and lay the same before the General Assembly, when thereto required.

VIII. And for the better encouragement of persons to enlist in the service aforesaid, *Be it enacted, by the authority aforesaid,* That every soldier enlisting in the said service, according to the intention of this act, in his person shall be protected from all process, other than for some criminal matter, and his estate privileged from all executions, attachments, and distresses, where the sum due and owing from such person so enlisting shall not exceed the sum of ten pounds current money, or two thousand pounds of tobacco, clear of the penalty of any bond, and the costs on the judgment of any court, due and owing to one person: And moreover shall be exempted from the payment of all public, county, and parish levies, and all taxes imposed by this, or any other act during the time he shall continue a soldier, and be in actual service.

IX. And to prevent as far as may be, any unjust or fraudulent arrests, executions, or distresses, that may be made upon soldiers, whereby his majesty and the public may be deprived of their service, *It is hereby further enacted by the authority aforesaid,* That no

Encourage-
ment to
those who
will enlist.

Remedy
against frau-
dulent ar-
rests, on
those enlist-
ed.

person who shall enlist, and enter himself as a volunteer, in his majesty's service as a soldier, according to the directions and intent of this act, shall be liable to be taken out of his majesty's service, by any process or execution whatsoever, other than for some criminal matter, neither shall any attachment, execution, or distress be made on their estates, unless for a real debt or other just cause of action, and unless before the taking out of such process, execution, attachment, or distress made, the plaintiff or plaintiffs therein, or landlord, or some other person or persons, on his or their behalf, shall make affidavit before the clerk of the court, out of which such process or execution shall issue, or before some justice of the peace of the county (who are hereby authorized to administer such oath) that to his or their knowledge, the sum justly due and owing to the plaintiff or plaintiffs, landlord or landlords, from the defendant or defendants, tenant or tenants, in the action or cause of action, on which such process shall issue, or the debt for which such execution or attachment shall be issued out, or distress made, amounts to the value of ten pounds, or two thousand pounds of tobacco at least, over and above the penalty, and all costs of suit in the same action, or in any other action on which the same shall be grounded, or that such defendant or defendants, is about to remove his or their estate or estates, out of this colony, a memorandum of which oath shall be marked on the back of such process, execution, or attachment, by the clerk or justice, without fee or reward; and also the landlord before any distress shall be made, shall deliver such affidavit to the officer, who is to make the same. And if any person shall be, nevertheless, arrested, or his goods or effects, taken in execution, attached or distrained, contrary to the intent of this act, it shall and may be lawful, for two or more justices of the county where such process shall issue, or distress be made, on complaint made thereof by the party himself, or by any his superior officers, or any of his friends to examine into the same by the oath of the parties, or otherwise, and by warrant under their hands and seals, to discharge such soldier so arrested, or his goods and effects, taken in execution, attached or distrained, contrary to the intent of this act, without paying any fee or fees upon due proof made before them, that such soldier so ar-

rested, was legally inlisted as a soldier, and arrested, or his goods or effects taken in execution, attached or distrained, contrary to this act:

X. *Provided also, and be it enacted by the authority aforesaid*, That no person inlisted as a soldier, his executors or administrators, shall take any advantage of the limitation of time, in delivering any article, or commencing any action against them for the recovering any debt by him or them due or owing to any person whatsoever, in respect of the time such debtor shall be privileged under this act: And in case the said number of men cannot be raised, by such as will voluntarily inlist in the said service within three months, after the passing this act, it shall and may be lawful, for the field officers and captains of the militia, of each of the counties in this colony, or the major part of them, by direction from the governor, to draft out of the militia of their counties, respectively, such and so many of their militia, who have not wives or children, as will make up the said number, to be employed in the said service, who shall be entitled to the same privileges, exemptions, and pay, as if they had voluntarily inlisted themselves: And if any person so drafted, shall refuse to serve accordingly, or find and provide some other able person to serve in his room, every person so refusing shall forfeit and pay the sum of ten pounds to our sovereign lord the king, to the same uses as the several taxes hereby laid are appropriated, and in case of failure in paying down the same, to such officer (to be by him accounted for, and paid to the treasurer, as aforesaid) or giving sufficient security for the payment of the same on the tenth day of April next, that then such person shall by warrant from any justice of the peace of the county, be committed to goal, there to remain until he shall agree to enter into the said service, or provide another as aforesaid, or pay or give security for the penalty, as aforesaid.

No advantage shall be taken of the act of limitation by those exempted from arrests.

Militia to be drafted.

XI. *And be it further enacted, by the authority aforesaid*, That if any person or persons inlisted or drafted by virtue of this act, shall be so maimed or wounded, as to be rendered incapable of maintaining themselves, they shall upon their return, be supported at the public expence. And whereas the officers and private soldiers of the forces levied in this colony, have in the late engagement on the Monongahela, behaved gallantly, and sustained great losses thereby;

Persons maimed in the service to be supported by the public.

Reward to the officers and private men, who behaved gallantly in the late engagement.

XII. *Be it enacted by the authority aforesaid,* That the treasurer be impowered and required, out of the money raised or to be raised, for the protection of his majesty's subjects in the frontiers of this colony, to pay to colonel George Washington, the sum of three hundred pounds, to Adam Stephen, Thomas Waggoner, and Robert Stewart, captains, seventy five pounds each; to William Bronaugh, Walter Stewart, Hector MacNeal, and Henry Woodward, lieutenants, and to James Craig, surgeon, thirty pounds each; and to each of the private men, who were in the said engagement and survived, and continue in the service, five pounds over and above their wages, as a reward and compensation, for their gallant behaviour and losses. And whereas the public magazine stands exposed to the designs of evil minded persons,

Directors appointed to treat and agree with workmen to build a wall round the magazine.

XIII. *Be it further enacted, by the authority aforesaid,* That Peyton Randolph, esquire, Carter Burwell, John Chiswell, Benjamin Waller, and James Power, gentlemen, or any three of them, be, and are hereby appointed directors, to treat and agree with workmen, to erect a high and strong brick wall, to inclose the said magazine, and to build a guard house convenient thereto. And that the said directors apply to the governor, to issue his warrant to the treasurer of this colony, for the payment of such sums of money, as they shall from time to time have occasion for, for the purposes aforesaid, and account for the same to the General Assembly, when the said work shall be finished. And whereas by reason of the long time allowed, for collecting the duties imposed by this act, (which from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended:

Treasury notes to be emitted.

XIV. *Be it therefore enacted,* That it shall and may be lawful for the said John Robinson, treasurer, or the treasurer for this colony, for the time being, appointed as aforesaid to issue or emit at any time or times, before the first day of August next ensuing, and not after, in such proportions, as he shall find necessary, to answer the demands that shall be made upon him, for the purposes aforesaid, or for the reward allowed by law for Indian enemies, killed or taken prisoners, any number of treasury notes, so as

the whole sum of such notes so to be issued, shall not exceed the sum of forty thousand pounds current money, which notes shall be prepared, printed or engraved, and numbered in such form, and after such method, as he the said treasurer, for the time being, shall judge most convenient for their circulating in payments, and being safe from counterfeits or forgeries, and shall be signed by John Robinson, esquire, or the treasurer for the time being, and Peyton Randolph, esquire, and John Chiswell, gentleman; who shall be allowed fifty pounds each, for their trouble in doing the same, to be deducted out of the allowance to the treasurer, for emitting the said notes, and the said treasurer shall be allowed two per cent. upon the amount of the notes so to be issued, for his trouble therein.

XV. *And be it further enacted, by the authority aforesaid,* That all such notes so to be issued, shall be redeemable on the last day of June, one thousand seven hundred and sixty, and shall then be paid by the treasurer, for the time being, with interest after the rate of five per centum per annum, from the date thereof. And further, that all such notes so to be issued, shall be received and pass as a lawful tender in payment of any debt, duty, or demand, whatsoever, (except for the payment of his majesty's quit-rents, and the duties imposed by two acts of Assembly, the one intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects, against the insults and encroachments of the French, and the other intituled, An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French,) and for other purposes therein mentioned, from the time of issuing such notes, until the time before specified for the redemption thereof, at the treasury as aforesaid. Their currency and redemption.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase any such treasury note, or shall tender in payment by way of barter, or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person or persons, so offending, if Penalty on forging such notes.

R. R. R.—Vol. 6.

lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The security for their redemption.

XVII. *And be it further enacted*, That the money to be raised by the duties imposed by this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued. And the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

Treasurer to give further security.

XVIII. *And be it further enacted, by the authority afore-said*, That John Robinson, esquire, treasurer of this colony, shall give such further security, as shall be approved by the governor, or commander in chief of this colony, in the sum of forty thousand pounds, for the due answering and paying all the money, by him received from time to time, and for the due and faithful performance of his said office, and in case of his death, resignation, or disability, the treasurer to be appointed in his stead, shall in like manner give such further security, before he enters into his said office.

CHAP. II.

An Act for the better regulating and training the Militia.

Preamble.

I. WHEREAS the act of Assembly made in the twelfth year of his majesty's reign, intituled, An act for the better regulation of the militia, hath proved very ineffectual, whereby the colony is deprived of its proper defence in time of danger:

All the officers of the militia to be resident in their counties.

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same*, That from, and after the passing of this act, all county lieutenants, colonels, lieutenant colonels, and other inferior officers, bearing any commission in the

militia of this colony, shall be an inhabitant of, and resident in the county of which he is, or shall be commissioned to be an officer of the militia.

III. *And be it further enacted, by the authority aforesaid,* That the lieutenant, or in his absence, the chief officer of the militia in every county shall list all male persons, above the age of eighteen years, and under the age of sixty years, within this colony, (imported servants excepted) under the command of such captain, as he shall think fit, within two months after the passing of this act. Who to be listed in the militia.

IV. *Provided always,* That nothing herein contained shall be construed to compel any persons hereafter mentioned, to muster, that is to say, such as are members of the council, speaker of the house of Burgesses, receiver general, auditor, secretary, attorney general, clerk of the council, clerk of the secretary's office, ministers of the church of England, the president, masters or professors, and students of William and Mary college, the mayor, recorder, and Aldermen of the city of Williamsburg, and borough of Norfolk, the keeper of the public goal, any person being *bona fide*, an overseer over four servants or slaves, and actually residing on the plantation where they work, and receiving a share of the crop or wages, for his care and pains, in looking after such servants and slaves: Any miller having the charge and keeping of any mill, and founders, keepers, or other persons employed in or about any copper, iron or lead mine, who are all hereby exempted, from being inlisted, or any way concerned in the militia, during the time they shall continue in any such station or capacity. Who to be exempted.

V. *And be it further enacted, by the authority aforesaid,* That every person so as aforesaid inlisted, (except the people commonly called Quakers, free Mulattoes, negroes and Indians) and placed or ranked in the horse or foot, shall be armed and accoutred in the manner following, that is to say; every horseman shall be furnished with a serviceable horse, a good saddle, with a breast-plate, crupper and curb bridle, carbine and bucket, holsters, a case of pistols, cutting sword, double cartouch box, and six charges of powder, and constantly appear with the same, at the time and place appointed for muster and exercise, and shall keep at his place of abode, one pound of powder and four pounds of ball, and bring the same into the field with How to be accoutred.

him when thereunto required: And every footman shall be furnished with a firelock well fixed, a bayonet fitted to the same, a cutting sword, a double cartouch box, and three charges of powder, and constantly appear with the same, at the time and place appointed for muster and exercise as aforesaid, and shall also keep at his place of abode, one pound of powder and four pounds of ball, and bring the same with him into the field when he shall be required. And if it shall be made appear to the court of any county, by the lieutenant or chief commanding officer in the county, and captain of any company, that any soldier enlisted in the foot, is so poor, as not to be able to purchase the arms aforesaid; then such court shall, and they are hereby required immediately, to depute some person to send for the same to England, by the first opportunity, and to levy the charge thereof in the next county levy, which arms so to be sent for, shall be marked with the name of the county; and if any person shall presume to buy or sell any such arms, so provided as aforesaid, then and in such case, every person so buying or selling, shall forfeit and pay the sum of six pounds, to be recovered with costs by information before the court of the county to which the arms shall belong, or in the court of the county wherein the offender or offenders shall reside, one moiety whereof shall be to, and for the use of the county, to which the arms shall belong, for the purchasing other arms, and the other moiety to the informer; and all arms purchased by any county, and delivered to any poor soldier, as aforesaid, shall on his death or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain of the company to which such poor soldier did belong, to be by such officer delivered to any other poor soldier, that the commanding officer of the said county shall adjudge unable to provide himself with arms as aforesaid.

Persons exempted to find a certain number of arms.

VI. *And be it further enacted, by the authority aforesaid,* That the several persons herein after exempted from mustering, (except ministers of the church of England, the president, masters or professors, and students of William and Mary college, the keeper of the public goal, overseers and millers, and all workers in any mine whatsoever) shall provide arms for the use of the county, city or borough, wherein they shall respectively reside in the following manner; that

is to say, each councillor not being an officer of the militia, four complete sets of arms, as is herein before directed for a foot soldier: The speaker of the house of Burgesses not being an officer of the militia, four complete sets of arms as before: The receiver general, auditor, and secretary, not being a councillor or officer of the militia, each four complete sets as before: The attorney general, not being an officer of the militia, two complete sets as before: The clerk of the council, and clerk of the secretary's office, not being officers of the militia, each two complete sets as before: The mayor, recorder, and aldermen of the city of Williamsburg, and borough of Norfolk, (not before by this act obliged, and not being officers of the militia) each two complete sets, as before. And if they shall fail or refuse so to do, within twelve months after the passing this act, then it shall and may be lawful, for the several courts of the counties, wherein the persons before mentioned shall reside, and they are hereby impowered and required to levy the value of the same on each of them respectively.

VII. *And be it further enacted by the authority aforesaid,* That all such free mulattoes, negroes and Indians, as are or shall be listed, as aforesaid, shall appear without arms, and may be employed as drummers, trumpeters or pioneers, or in such other servile labor, as they shall be directed to perform. And for the better training and exercising the militia, and rendering them more serviceable.

How mulattoes, negroes, and Indians, may be employed.

VIII. *Be it further enacted, by the authority aforesaid,* That every captain shall once in three months, and oftner if thereto required, by the lieutenant or chief commanding officer in the county, muster, train and exercise his troop or company, and the lieutenant or other chief commanding officer in the county, shall cause a general muster and exercise of all the troops and companies within his county, to be made in the months of March and September yearly: And if any soldier, shall at any general or private muster, refuse to perform the commands of his officer, or behave himself refractorily or mutinously, or misbehave himself at the courts martial, to be held in pursuance of this act, as is herein after directed, it shall and may be lawful to, and for the chief commanding officer, then present, to fine every such soldier, if an horseman, any sum not exceeding ten shillings, and if a footman,

When general musters shall be called.

Where persons misbehave themselves at any private or general muster, how to be punished.

not exceeding seven shillings and six pence, which fine shall be immediately paid down to such officer; but in case any such offender shall not be able to pay down such fine immediately, then he shall give good security to such officer, for the payment of the same in three months. And in case any soldier so fined, as aforesaid, shall refuse or fail to pay down his fine, or to give such security for paying the same as aforesaid, then it shall and may be lawful, for such officer, and he is hereby empowered by warrant under his hands, to commit every such soldier to the county goal, there to remain without bail or mainprize, for any time not exceeding three days, and the offender or offenders so committed, shall not be thence discharged, until the lawful fees for commitment, imprisonment, and discharge, shall be fully paid and satisfied. And every captain, or in his absence the lieutenant, shall duly make a list of all the persons upon his muster-roll, who shall be summoned, and do not appear at any of the said musters armed and accoutred, as by this act is directed, and return the same with the names of all officers, who shall be absent to the next court martial: And every captain shall have power to appoint a clerk to his troop or company, who shall keep the muster-rolls, and attend all musters with the same, and such clerk shall be exempted from mustering but shall appear with arms at all such musters. And further, it shall and may be lawful, for the lieutenant, or other chief officer of the militia in the county, to order all soldiers listed therein, to go armed to their respective parish churches.

The court
martial

IX. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the field officers and captains of every county, or the major part of them; whereof the county lieutenant, colonel, lieutenant colonel, or major, shall be one, and they are hereby required to meet at the court-house of their counties, respectively, the day next following the general muster in September, every year, if fair, if not, the next fair day, then and there to hold a court martial, which court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons listed, and to exempt such as they shall adjudge incapable of service, and of all delinquents returned by the captains, for absence from musters, or appearing without arms and accoutrements. And where any

person is returned a delinquent to a court martial, and shall not be able by reason of sickness, or other real disability to attend such court, to give in his reasonable excuse for such delinquency; it shall and may be lawful, for the succeeding court martial, to be held for such county, city or borough, wherein such person shall be returned a delinquent, upon such reasonable excuse then offered, to remit such fine or fines, levied by the preceeding court martial on such person: And such court shall and may, and they are hereby impowered to administer an oath or oaths, to any person or persons, for their better information in the premisses, and to order the fines inflicted by this act, not otherwise directed, to be levied upon all delinquents who shall not make out some just excuse, for not performing their duty, and to order and dispose of all such fines, for buying drums, trumpets and trophies for the use of the militia of the county, and for supplying the militia of the said county with arms. And the said courts shall have full power, and are hereby required to keep a register of all their proceedings, and for that purpose to appoint a clerk, and to allow him such salary for his service, out of the said fines, as they in their discretion shall think reasonable: And after the holding of every such court, the clerk shall make out copies of all their orders, and deliver the same within one month next following the said court to the sheriff of the county, who is hereby required to demand and receive the money or tobacco therein charged, of the persons made chargeable therewith, and in case of non-payment, on or before the tenth day of April. then next following, to levy the same by distress and sale of the goods of the person refusing according to the directions of the laws now in force, enabling the sale of goods distrained for rent; and where any delinquent shall remove out of the county, before he hath paid and satisfied all fines laid on him, in pursuance of this act, and shall not leave sufficient effects in the county, to satisfy the same, then the said clerk shall send copies of the said court's orders against such delinquents to the sheriff of the county, into which he or they shall be removed, and such sheriff is hereby impowered and required to collect, levy and account for the same, in the manner herein before directed.

X. *And be it further enacted, by the authority afore-* Penalties.
said, That the several persons hereafter mentioned,

failing to do their duty, in the manner by this act directed, shall forfeit and pay the several sums following, respectively; that is to say, the lieutenant of any county or the chief commanding officer there, failing to appoint a general muster, in the month of March, and another in the month of September, in every year, not having a reasonable excuse, shall for every such failure, forfeit and pay the sum of twenty pounds; every county lieutenant, colonel, lieutenant colonel and major failing to appear at every such general muster, or at the court martial, shall forfeit and pay ten pounds for every such failure; every captain who shall fail to muster and exercise his troop or company, four times a year, or oftner if thereto required, shall forfeit and pay forty shillings, for every time he shall so fail to muster and exercise; and every captain failing to appear at every general muster and court martial, shall forfeit and pay five pounds, for every such failure; every lieutenant who shall fail to appear at any muster, shall forfeit and pay twenty shillings, for every such failure; and every coronet and ensign ten shillings, for every such failure; and every captain, or in his absence the lieutenant, failing to return a list of the persons who shall not appear at musters, or shall appear without arms and accoutrements, shall forfeit and pay ten pounds, for every such failure; every clerk failing to appear with arms shall pay ten shillings, for every such failure; every soldier refusing to serve as a serjeant, corporal, drummer or trumpeter, being thereunto required by his captain, shall pay five shillings, for every muster that he shall so refuse; every person inlisted to serve in the horse, appearing at muster without a serviceable horse, with a good saddle, breast-plate, crupper and curb-bridle, carbine and bucket, shall pay five shillings, for every such failure; and such persons appearing at muster as aforesaid, without holsters, a case of pistols, cutting-sword, double cartouch-boxes, and six charges of powder and ball shall pay five shillings, for every such failure; and every person listed to serve in the foot, appearing at such muster without a firelock well fixed, and a bayonet fitted to the same, shall pay three shillings, for every such failure; and every such person appearing at such muster, as aforesaid, without a cutting-sword, a double cartouch-box, and three charges of powder and ball shall pay three shillings, for every such failure;

and every soldier, either of the horse or foot, failing to appear at such muster, shall forfeit and pay ten shillings, for every such failure. *Provided*, That no person be fined above six times in the year for any particular default; every soldier ordered to go armed to church, neglecting so to do, shall pay five shillings, for every such failure; and every clerk of a court martial failing to deliver the orders of the court martial to the sheriff or sheriffs, within the time before limited, shall forfeit and pay fifty pounds.

XI. *And be it further enacted, by the authority aforesaid*, That every officer of the militia within this colony, shall at all times that he acts on duty, at any private or general muster appear well armed in the following manner, that is to say, every county lieutenant, colonel, lieutenant colonel, major, captain, and lieutenant of the horse, with a cutting sword and one horse equipt, with holsters and pistols well fixed; every colonel, lieutenant colonel, major, captain, and lieutenant of the foot, with a half pike or partisan, and a cutting-sword; every cornet of horse with a cutting-sword and holsters, and pistols well fixed; every ensign with a cutting sword; every corporal and sergeant with a cutting sword and halbert, under the penalty of ten shillings, for every time that every such officer shall appear without such arms. All which fines shall be levied by the court martial, directed to be held by this act, in such county, city or borough, wherein such officers shall act as an officer, and be appropriated to the same uses, as is before directed, for the appropriation of the fines levied on the soldiers of the militia appearing unarmed:

Officers how
to be armed
at musters.

XII. *Provided nevertheless*, That every such officer shall have twelve months allowed him after his promotion to such office, for the furnishing the arms, as aforesaid, but in the mean time shall appear with such of the said arms, as he already hath. And the same fines and penalties shall be paid by the officers and soldiers of the militia, in the city of Williamsburg, and borough of Norfolk, in case of their failing or refusing to do, and perform the several services, and to appear armed and accoutred in the same manner, as is by this act required, of the officers and soldiers of the militia, of the several counties:

The time allowed to provide such arms.

XIII. *Provided also, and it is hereby enacted*, That twelve months time be given and allowed to each sol-

The time allowed soldiers.

diers to furnish themselves with arms.

dier, to furnish and provide himself with arms and amunition, according to the directions of this act, and that no soldier be fined for appearing without, or not having the same at his place of abode, until he hath been inlisted twelve months, as aforesaid, so as such soldier do appear at all musters, during the said twelve months, with such arms as he hath, and is already furnished with: And if any soldier shall appear at any muster not armed and accoutred, according to the directions of this act, it shall and may be lawful, for the captain of the troop or company to which such soldier shall belong, to examine such soldier upon oath, whether he hath any, and what arms and ammunition he really hath of his own property, and if on such examination it shall appear, that such soldier hath any arms or ammunition of his own property, and hath not brought the same, or so much thereof, as this act requires, to such muster, he shall be liable to the penalties inflicted by this act, although he hath not been inlisted twelve months; and where any person inlisted pursuant to this act in any county, shall remove to another county, the time for furnishing himself with arms and ammunition shall commence from the time of his being first inlisted in the county, from whence he removed. And for an encouragement to every soldier to provide and furnish himself according to the directions of this act and his security to keep his arms and ammunition when provided:

Arms exempted from executions, &c.

XIV. *Be it further enacted by the authority aforesaid,* That the furniture, arms and ammunition, provided and kept in pursuance of this act, be free and exempted at all times from being impressed upon any account whatsoever; and likewise, from being seised or taken by any manner of distress, attachment or writ of execution, and that every distress, seizure or execution, made or served, upon any of the premises, be unlawful and void, and that the officer or person who presumes to make or serve the same, be liable to the suit of the party grieved, wherein double damages shall be given upon a recovery, and every person going to, attending at, or returning from muster, shall be privileged and exempted from arrests, and from being served with any other process, in any civil action or suit.

No exempted overseer or miller to

XV. *And be it further enacted, by the authority aforesaid,* That if any exempted overseer or miller, shall presume to appear at any muster, or in any muster-

field whatsoever, on the day on which such muster shall appear at muster. be appointed, the party so offending, shall for every such offence forfeit and pay ten shillings, to be assessed upon him by the next court martial, upon a certificate of the offence to them made, by the captain or chief officer present at such muster, and levied, accounted for, and appropriated in the same manner, as the other fines ordered by the court martial: And that the fines and penalties incurred by infants and servants for the breach or neglect of their duty in any particular service by this act required, of them, shall be paid by the parent, guardian or master, respectively; and if the breach or neglect of such servants is not occasioned by their master's influence or direction, then the fines incurred by them, and so paid by the master, shall be repaid to the master by the further service of such servant, after the time they are bound to serve is expired; which shall be determined by the county court or court of Hustings, in the city of Williamsburg or borough of Norfolk, wherein either of the parties reside, upon complaint made to them thereof, by such master.

Fines incurred by infants and servants, how to be paid.

XXI. *And be it further enacted, by the authority aforesaid,* That if any sheriff shall refuse to receive the orders of any court martial offered to him, by virtue of this act, or to collect and levy the fines herein mentioned, such sheriff upon a motion and complaint thereof made to the county court or general court, shall be fined for every such refusal, one hundred pounds, to be appropriated in the same manner, as the other fines last mentioned: And if any sheriff taking upon himself such collection, or receiving the said orders, shall fail to account for, and pay what he shall have received, by virtue thereof to the receiver, to be appointed for that purpose by the court martial, deducting six per cent. only. for his commission, in collecting and receiving; upon a motion or complaint made against him by the said receiver, or the commanding officer of the militia, to the county court or general court, such court shall give judgment, and award execution against him, his executors or administrators for the same: *Provided,* That such sheriff, his executors, administrators, have ten days previous notice of such motion. And if any receiver heretofore appointed, or hereafter to be appointed, hath failed or shall fail to account with the court martial when required, or to apply the money by him re-

Sheriff to collect the fines assessed by court martial.

ceived or to be received, as he hath been or shall be directed by the court martial, that then upon a motion or complaint made to the county court or court of Hustings, in the City of Williamsburg, or Borough of Norfolk, respectively, by any officer of the militia against such receiver, such court shall give judgment and award execution against him, his executors, or administrators for the same, and cause the money to be appropriated to the uses directed by the court martial: *Provided*, That such receiver, his executors or administrators, have ten days previous notice of such motion. And if any sheriff hath heretofore failed to account for, and pay all militia fines collected by him, upon a motion or complaint made by the receiver or commanding officer of the militia of the county whereof he is or hath been sheriff, to the general or county court, such court shall give judgment and award execution against him, his executors or administrators, for the same: *Provided*, notice be given to such sheriff, his executors, or administrators, as aforesaid.

Every commission officer to take certain oaths.

XVII. *And be it further enacted by the authority aforesaid*, That every commission officer in the militia, shall before he acts under or executes any such commission in the court of his county, take the oaths appointed by law, to be taken instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the same with the test; and that every county lieutenant, colonel, lieutenant colonel, major and captain, at the time of holding every court martial, before they hold the same shall take the following oath, which shall be first taken by the presiding officer then present. and them be by him administred to the rest of the officers. *to wit*:

I A. B. do swear that I will do equal right and justice to all men, according to the act of Assembly, for the better regulation and training of the militia.

And every person accepting a commission in the militia, who shall neglect or refuse to qualify himself to act under the same, by taking and subscribing the oaths and test before mentioned, within three months after receiving his commission, every such person shall forfeit and pay the sum of five pounds.

The present commission officers to act until other-

XVIII. *And be it further enacted, by the authority aforesaid*, That the present commission officers of the militia in this colony, shall have full power and authority to hold and execute their respective commis-

sions, until the governor, or commander in chief of this dominion, shall issue new commissions, or direct or order otherwise, any thing in this act to the contrary, notwithstanding.

XIX. *And be it further enacted*, That the fine by this act imposed on the lieutenant or chief commanding officer of the militia, for neglecting to order general musters, shall be one moiety to the informer, and the other to and for the use of the county, for providing arms, and shall and may be recovered with costs by action of debt or information, in any court of record.

wise directed by the governor.

Appropriation of the fine on the lieutenant, &c. neglecting to order general musters.

XX. *And be it further enacted*, That if there be no court martial held, the penalties herein before inflicted on officers, not attending such court martial, or the general muster, shall be recovered against the officers failing to attend or appear, and collected in the same manner, as is herein before directed, for recovering and collecting the fines and penalties laid on officers failing to appoint general musters.

How the penalties to be recovered in officers failing to attend courts martial.

XXI. *And be it further enacted by the authority aforesaid*, That the adjutant general, for the time being, with one servant and their horses, shall be exempted from the payment of ferriages at all public and other ferries, within this colony; and that the respective ferry keepers shall give him, and his servant and horses immediate passage at all such ferries, as in the case of public expresses, any law or custom to the contrary notwithstanding.

The adjutant general.

XXII. *And be it further enacted by the authority aforesaid*, That all and every other act and acts, and every clause and article therein contained, for the settlement and regulation of the militia, or any other matter or thing, within the purview of this act, shall be, and is hereby repealed and made void to all intents and purposes whatsoever:

Repealing clause.

XXIII. *Provided always*, That nothing in this act contained, shall extend, or be construed to extend to the inhabitants of the city of Williamsburg, or borough of Norfolk, so as to oblige them to muster or serve in the militia, out of the said city or borough, but that such inhabitants, shall be listed and trained in manner as is directed by the acts of Assembly, made in the ninth and twelfth years of the reign of his late majesty king George the first, intituled, An act for enlarging the jurisdiction of the court of Hustings, in

The inhabitants of Williamsburg & Norfolk, not obliged to muster out of the city or borough.

the city of Williamsburg, within the limits thereof: And an act to prevent the inhabitants of the borough of Norfolk, from being compelled to serve in the militia of the county of Norfolk, and to exempt sailors or seamen in actual pay on board any ship or vessel from serving in the militia, any thing in this act to the contrary notwithstanding. And whereas the method by the said recited acts prescribed for fining delinquents in the militia of the said city or borough, hath been found inconvenient; for remedy thereof,

Courts martial to be held in Williamsburg & Norfolk.

XXIV. *Be it further enacted, by the authority aforesaid,* That from and after the passing this act, the colonel, major, and captains of the militia of the said city of Williamsburg, and borough of Norfolk, or the major part of them, whereof the colonel or major shall be one, shall, and they are hereby impowered and required to hold a court martial at the court houses of the said city and borough, respectively, in the same manner, and for the same purposes as the courts martial are by this act directed and appointed to be held in the counties, any thing in the said recited acts to the contrary notwithstanding.

Officers exempted from serving in the militia of the city or borough.

XXV. *And be it further enacted,* That the colonel, or chief commanding officer of the said city or borough, shall not by virtue of the two last recited acts be suffered to inlist in the militia, of the said city or borough, any persons that are officers of the militia in the counties wherein such city or borough shall lie. And for establishing a better method of appointing patrollers, and for declaring their duty therein;

Method of appointing patrollers.

XXVI. *Be it enacted by the authority aforesaid,* That it shall and may be lawful, for the chief officer of the militia in every county, and he is hereby required, some time before the tenth day of June yearly, to appoint an officer, and so many men of the militia, as to him shall appear to be necessary, not exceeding four, once in every month or oftener if thereunto required by such chief officer, to patrol and visit all negroe quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid unlawfully assembled, or any other strolling about from one plantation to another, without a pass from his or her master, mistress or overseer, and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, stroller, or other dis-

Duty of patrollers.

orderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back, well laid on. And in case one company of patrollers shall not be sufficient, to order more companies, for the same service. And after every patrol, the officer of each party shall return to the captain of the company whereunto he belongs, a report in writing upon oath, (which oath such captain is hereby impowered to administer) of the names of those of his party, who were upon duty, and of the proceedings in such patrol: And each captain shall once in every month deliver such patrol returns to the county lieutenant, or chief commanding officer in his county, by whom they shall be certified and delivered to the next court martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officer shall certify the same to the county court, who upon such certificate, are hereby impowered and required at the laying of their county levy, to allow to, and levy for every one of the patrollers, ten pounds of tobacco for every twenty four hours they shall so patrol, and moreover, such patrollers shall be exempt from the payment of public, county, and parish levies, for their own persons, for those years in which they shall be employed in that service.

Their reward.

XXVII. *And be it further enacted, by the authority aforesaid,* That if the chief officer of the militia in any county shall fail to appoint patrollers, according to the directions of this act, such officer shall forfeit and pay the sum of five pounds, and every person appointed to patrol, in pursuance of this act, failing to do his duty therein, shall pay the sum of five shillings for every failure; which fines shall be laid by the court martial of the county, and shall be collected, levied, accounted for, and appropriated, as is herein before directed, for the collecting, levying, accounting for, and appropriating, the several fines and penalties herein before laid: And in like manner the chief officer of the militia, in the aforesaid city of Williamsburg, or borough of Norfolk, shall appoint all the persons of their militia, to patrol within the said city and borough, or within half a mile of the limits thereof by turns, in such numbers, and at such times, as they shall think necessary; which officers and patrollers, shall be subject to the same fines and penalties, and

Penalty on chief officers failing to appoint patrollers.

Penalty on patrollers failing to do their duty.

Patrol in Williamsburg and Norfolk.

to be recovered and appropriated in the same manner, as is herein before directed, in the case of patrollers in the counties.

General
issue may be
plead and
the special
matter given
in evidence.

XXVIII. *And be it further enacted, by the authority aforesaid,* That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol, pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to, and for every person and persons against whom such action or suit shall be brought, to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit, or discontinue his suit, then the defendant shall recover treble costs.

Costs.

Commence-
ment.

XXIX. *And be it further enacted, by the authority aforesaid,* That this act shall commence, and be in force, from and after the second day of October next, for, and during the term of two years, and no longer.

CHAP. III.

An act for amending an act, intituled, An act for making provision against invasions and insurrections.

Preamble.

I. WHEREAS it is necessary in this time of extreme danger, that the act of Assembly made in the twenty second year of his majesty's reign, intituled, An act for making provision against invasions and insurrections, should be amended, the more especially, to prevent the incursions of the French and Indians,

Officers re-
ceiving no-
tice of an in-
vasion or in-
surrection to
give notice
to the coun-
ty lieuten-
ant.

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That every officer of the militia, to whom notice shall be given of any invasion or insurrection, shall raise the militia under his command, and send intelligence to the county lieutenant, or in his absence to the chief commanding officer residing in the coun-

ty, as in the said recited act he is directed to do; and shall moreover, immediately proceed to oppose the enemy, according to the orders he shall receive from his chief commanding officer, until further orders arrive from the governor, or commander in chief of this dominion, for the time being, and such county lieutenant, or chief commanding officer, shall give immediate notice to the officers of the militia of the next adjacent counties, of such invasion or insurrection, and the situation and circumstances of the enemy, according to the best of his information and judgment; and such officer to whom such notice shall be given, if not the chief commanding officer in the county, shall give immediate notice to his commanding officer, of the information that he shall receive, who shall immediately raise the militia of his county, and march part thereof, (not exceeding two thirds) against such enemy, if the circumstances of the case shall require it, which shall be enquired into by a council of his field officers, and captains, or the major part of them; which council every such commanding officer is hereby impowered and required forthwith to summon and hold; and such commanding officer shall cause the remaining part of his militia not so marched, to remain in arms in the county, for the defence and protection thereof, until he shall receive orders from the governor, or commander in chief, as aforesaid.

III. *And be it further enacted, by the authority aforesaid,* That any officer receiving information of any invasion or insurrection, from any officer of an adjacent county, in the manner herein before expressed, that shall refuse to raise his militia, and call a council of his field officers and captains, for the determination of what is necessary to be done on such information, shall forfeit and pay the sum of two hundred pounds, and every officer summoned to such council, as aforesaid, that shall refuse to attend the same, shall forfeit and pay the sum of fifty pounds.

Penalty on officers failing to call a council, and on officers summoned, failing to attend.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia, who upon occasion of any invasion or insurrection, shall receive any orders or instructions from the governor, or commander in chief, for the time being, or from any other his superior officer, either for calling together the soldiers, or marching them to any particular place, shall neglect, or refuse to execute such orders and instruc-

Fines.

tions, in the best manner he is capable, every such officer so neglecting or refusing, shall respectively forfeit and pay the sums following, that is to say, every lieutenant of a county, the sum of two hundred pounds; every colonel, the sum of two hundred pounds; every lieutenant colonel, the sum of two hundred pounds; every major, the sum of one hundred pounds; every captain, the sum of seventy five pounds; every lieutenant, the sum of fifty pounds; every cornet or ensign, the sum of twenty five pounds; every quartermaster, serjeant, or corporal, twenty pounds. And every soldier who shall be summoned to appear upon any such occasion, and shall fail so to do, or shall fail to bring with him his arms and accoutrements, together with one pound of powder and four pounds of ball, shall forfeit and pay the sum of twenty pounds: And if any officer or soldier, during the time the militia shall be employed, for suppressing any invasion or insurrection under this act, shall desert the said service, or raise any mutiny or sedition, in the troop or company to which he belongs, or any other troop or company in the said service, or coming to the knowledge of any such mutiny or intended mutiny, shall not give information thereof, to his commanding officer, and use his utmost endeavour to suppress the same, shall suffer such corporal punishment, as shall be inflicted on him by a court martial, to consist of the field officers and captains then present, not extending to life or member. And every person holding correspondence with, or giving intelligence to the enemy, during the time such militia is employed, for suppressing such invasion and insurrection, shall suffer death, as in cases of felony, without benefit of clergy, upon being thereof lawfully convicted before the general court of this colony.

Felony to hold correspondence with the enemy.

Officers and soldiers raised pursuant to any act, subject to the same penalties for offences mentioned in this act.

V. *And be it further enacted, by the authority aforesaid,* That every officer and soldier, who shall be raised and employed in his majesty's service, pursuant to any act of Assembly of this colony, and shall during the time he is employed in the said service, commit any of the offences mentioned in this act, every person so offending shall be subject to the like punishment, as is herein inflicted for such offence upon officers or soldiers of the militia, employed in suppressing invasions or insurrections; and that courts martial, for punishing such offenders, shall be held by the field

officers and captains, so employed in such service, or if there be no field officers, then by the captains only; and if any person guilty of mutiny or desertion cannot be apprehended, so as to be tried by such court martial, before the militia or soldiers, respectively, shall be discharged from the service they shall be employed in, at the time he shall so mutiny or desert, such person shall in such case, be liable to be apprehended, examined, and tried for such offence in any court of record.

VI. *And be it further enacted by the authority aforesaid,* That in all trials of offenders by any court martial, to be held by virtue of this act, every officer present at such trial before any proceedings be had thereupon, shall take the following oath, (which the presiding officer then present, shall first take himself, and then administer to the others) that is to say,

Officers of court martial to take oath.

I A. B. do swear, that I will well and truly try and determine, according to the evidence in the matter now before me, between our sovereign lord the king, and the prisoner to be tried, and that I will duly administer justice according to the act of Assembly, intituled, An act for amending an act, intituled, An act for making provision against invasions and insurrections; without partiality, favour, or affection; and that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required, to give evidence thereof as a witness, by a court of justice, in due course of law.—*So help me God.*

The form.

And that such court martial shall have power to appoint a clerk, to keep a register of their proceedings, to whom the president of the court shall administer the following oath, *to wit:*

Court martial to appoint a clerk.

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required, to give evidence thereof as a witness by a court of justice, in due course of justice.—*So help you God.*

His oath.

VII. *And be it further enacted, by the authority aforesaid,* That if any inferior officer or soldier, during the time the militia shall be employed for suppressing any invasion or insurrection, as aforesaid, shall disobey the lawful commands of his superior officer, or behave himself refractorily, or shall be guilty of pro-

Punishment for disobeying command.

phane swearing, drunkenness, or any other such like offence, every person so offending, shall pay such fine, or suffer such corporal punishment, not extending to life or member, as by a court martial, to be held as aforesaid, shall be inflicted or imposed.

Not more than five pounds, or twenty lashes for one offence.

General issue may be plead, and the special matter given in evidence. Militia not to be lead more than five miles beyond inhabitants.

VIII. *Provided always*, That no such person shall be adjudged to pay more than the sum of five pounds, or to receive more than twenty lashes, for any one of the said offences, nor be subject to a second trial for the same offence, after he hath been once condemned or acquitted thereof.

IX. *And be it further enacted*, That if any officer shall be sued for any thing by him done, in pursuance of this act, it shall and may be lawful, for such officer, to plead the general issue, and give the special matter and this act in evidence.

X. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to empower the governor or commander in chief, to lead or march the militia of this colony, or cause them to be lead or marched, more than five miles beyond where the inhabitants of this colony, shall be settled on the western frontiers.

Where an officer cannot deliver up his commission.

XI. *And be it further enacted, by the authority aforesaid*, That if any officer of the militia shall upon receiving the orders of the governor, or commander in chief, or any his superior officer, for raising and marching the militia, according to this act, deliver up his commission, thereby intending to avoid the force of this act, and the punishment for disobeying such orders; every such officer so offending, shall be liable to the same penalty, as by this act is inflicted for disobeying or neglecting such orders, and shall be immediately inlisted as a common soldier by the next officer acting in command, which several fines herein before expressed, shall be recovered and appropriated in the same manner, and to the same uses, as is directed in the said recited act.

The pay of the officers and soldiers drawn out into actual service.

XII. *And be it further enacted by the authority aforesaid*, That there shall be raised and paid by the public, to the officers and soldiers drawn out into actual service, by virtue of this or the said recited act, and to the look outs, after the rates following, *to wit*:

To the county lieutenant or commander in chief,

HORSE.

A Colonel,
Lieutenant Colonel,
Major,
Captain,
Lieutenant,
Cornet,
Quarter Master,
Corporal,
Trumpeter,
Trooper,

Seventy,

Sixty.

Fifty.

Fifty.

Thirty.

Thirty.

Twenty five.

Twenty five.

Twenty two.

Twenty two.

Twenty.

Pounds of Tobacco per day.

FOOT.

A Colonel,
Lieutenant Colonel,
Major,
Captain,
Lieutenant,
Ensign,
Serjeant,
Drummer,
Soldier,

Fifty.

Forty.

Forty.

Thirty.

Twenty five.

Twenty.

Eighteen.

Eighteen.

Fifteen.

A look out after the rate of two hundred pounds of tobacco per month.

XIII. *And be it further enacted, by the authority aforesaid,* That every smith, wheel wright, carpenter, or other artificer, impressed and employed, as by the said recited act is mentioned, shall be paid and allowed by the public after the rates following, *to wit:* every smith, fifty pounds of tobacco per day; and every carpenter, wheel wright, or other artificer, forty pounds of tobacco per day; and every man impressed to go in a sloop or boat, fifteen pounds of tobacco per day: And where any sloop, boat, cart or waggon, impressed and appraised, according to the directions of the said recited act, shall be damaged, or horse or ox hurt, and no justice of the peace can be got to choose and appoint two indifferent persons to enquire into such damage, then the proprietor of every such sloop, boat, cart, waggon, horse or ox, shall be paid by the public, according to the appraisement thereof, made at the time of impressing the same.

The pay of smiths, wheelwrights, carpenters, and other artificers.

Where waggons, boats, &c. impressed.

XIV. *And be it further enacted, by the authority aforesaid,* That if any soldier drafted out of the militia to guard and attend any battery, pursuant to the

Fines on soldiers disobeying com-

mands of
their officers
at any bat-
tery, &c.

directions of the said recited act, shall refuse to obey the commands and orders of the commanding officer at such fort, every such soldier so offending, shall forfeit and pay three pounds to our lord the king, or receive twenty lashes on his bare back, well laid on, for every such refusal.

This act to
be published
at every ge-
neral muster.

XV. *And be it further enacted, by the authority aforesaid,* That this act shall be published at every general muster, during the continuance thereof, by order of the county lieutenant, or chief officer of the militia, then present, under the penalty of ten pounds, for every neglect.

Repealing
clause and
continuance.

XVI. *And be it further enacted, by the authority aforesaid,* That so much of the said recited act, and all and every other act, for so much thereof, as is contrary to any thing within the purview of this act, be, and the same is hereby suspended during the continuance of this act; and that this act shall continue and be in force, from, and after the passing thereof, for, and during the term of two years, and no longer.

Appropriation.

XVII. *And be it further enacted,* That all the fines inflicted by this act, and not otherwise directed, shall be one half to our sovereign lord the king, for, and towards supplying with arms the militia of the county to which the offender belongs, and the other half to the informer, to be recovered with costs, by action of debt or information, in any court of record, within this dominion.

CHAP. IV.

An Act for preventing and repelling the hostile incursions of the Indians, at enmity with the inhabitants of this colony.

Preamble.

I. WHEREAS divers cruel and barbarous murders have been lately committed in the upper parts of this colony, by Indians, supposed to be in the interest of the French, without any provocation from us, and contrary to the laws of nature and nations, and they still continue in sculking parties, to perpetrate their bar-

barous and savage cruelties, in the most base and treacherous manner, surprising, torturing, killing and scalping, not only our men, who live dispersedly in the frontiers, but also their helpless wives and children, sparing neither age nor sex; for prevention of which shocking inhumanities, and for repelling such malicious and detestable enemies,

II. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That* the sum of ten pounds shall be paid by the treasurer of this colony, out of the public money in his hands, to any person or persons, party or parties, either in the pay of this colony, or other the inhabitants thereof; for every male Indian enemy, above the age of twelve years, by him or them taken prisoner, killed or destroyed, within the limits of this colony, at any time within the space of two years, after the end of this session of Assembly.

10l. for every male Indian scalp, above 12 years old.

III. *Provided always, That* in case the present hostilities shall cease, within the said two years, and the governor, or commander in chief of this colony, with the advice of the council, shall by proclamation signify the same, and direct the said reward to be discontinued, then the said reward, shall immediately after publishing the said proclamation, cease and be discontinued accordingly: And to entitle persons to the said reward;

How the reward may be discontinued.

IV. *Be it further enacted, by the authority aforesaid, That* every Indian enemy, so to be taken prisoner, shall be delivered to the keeper of the public goal in the city of Williamsburg, to be by him safely kept, until discharged by the governor, or commander in chief of this colony; and the scalp of every Indian, so to be killed or destroyed, as aforesaid, shall be produced to the governor, or commander in chief, and the person or persons taking prisoner, killing or destroying such Indian enemy, shall prove by affidavits, or his or their oath, the time and place of his or their performing the same before the governor, or commander in chief, who is thereupon desired to issue his warrant to the treasurer, for paying the reward aforesaid. And for preserving the lives and friendship of such Indians, as are under the protection of, or in alliance with his majesty,

How persons become entitled to the reward.

Felony to
kill an Indian
in alliance
with his ma-
jesty.

V. *Be it further enacted, by the authority aforesaid,* That if any person or persons, shall within the said two years, knowingly and wilfully kill or destroy any Indian in alliance, peace and friendship with his majesty and his subjects in this colony, the person or persons so offending, shall be adjudged a felon; and shall suffer as in cases of felony: And the governor is hereby desired to notify this act to the neighbouring Indians, under the protection of, or in alliance with his majesty, as soon as conveniently may be.

CHAP. V.

An Act to recover his majesty's Quit-Rents, collected by the Sheriffs in a summary way.

Preamble.

I. WHEREAS many of the sheriffs of this colony have of late years to the great prejudice of his majesty, kept the money collected by them for his quit-rents, and other dues in their own hands till judgment could be obtained against them at law; and it has been found, that the legal methods of proceedings on these occasions, are tedious and dilatory, and are an encouragement to such unjust practices; for remedy whereof,

Judgment
may be had
in general
court on she-
riff failing to
pay to the
receiver ge-
neral the
quit-rents by
him received
he having
ten days no-
tice.

II. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That if any sheriff has neglected, or shall hereafter neglect to pay to the officers of his majesty's revenue, on or before the day appointed by law for that purpose, such sum or sums of money, as such sheriff shall have received and collected for the quit-rents, and other dues of his majesty within his county, that then it shall and may be lawful for his majesty's receiver-general in this colony, at the next, or any other succeeding general court, to demand judgment against such sheriff; for the same with costs, and the said court is here-

by authorised and required to give judgment accordingly: *Provided*, Such sheriff have ten days previous notice thereof.

CHAP. VI.

An Act to regulate the price of Indian Corn in the present scarcity.

I. WHEREAS there is likely to be a great scarcity of Indian Corn in this colony, occasioned by the long drought, and it is apprehended that some persons through avarice, may be induced to exact and extort exorbitant prices for their corn, from the poor and necessitous; for prevention whereof,

II. BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall not be lawful for any person or persons to exact demand, charge or receive, from and after the passing of this act, until the tenth day of October, in the year, one thousand seven hundred and fifty six, from any other person or persons a greater price or value for their Indian corn or meal made of the same, than twelve shillings and six pence per barrel, delivered at their own houses, and so proportionably for a greater or lesser quantity, or if removed by the seller, and carried to the buyer, then with a reasonable allowance for the carriage or transportation thereof: And if any person or persons shall directly or indirectly exact, demand, charge or receive a greater price or value, from any other person or persons, for their Indian corn or meal made of the same, within the time aforesaid, he, she, or they so offending, shall forfeit and pay the sum of five pounds for every barrel of Indian corn or meal made of the same, or any lesser quantity thereof by him, her or them so sold, at a greater or rate, price or value, to be recovered with costs, summary way, by petition in any county court in colony; one moiety thereof to the prosecutor, and her moiety, to the churchwardens of the parish,

No person to demand more than 12s. 6d per barrel for Indian corn.

where the offence shall be committed, for the use of their parish.

Penalty on persons exporting grain when prohibited by proclamation.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons, during the time the governor, or commander in chief, for the time being, with the advice of the council, shall by proclamation have prohibited the exportation of grain, shall export out of this colony by land, any wheat, Indian corn, pease or other grain, or any flour or meal made of the same, the owner or owners of such grain, flour or meal so exported, shall forfeit and pay double the value thereof, to be recovered and appropriated, as aforesaid.

CHAP. VII.

An Act for prolonging the time appointed for drawing the public Lottery.

Preamble.

I. WHEREAS by an act passed at the last session of this Assembly, intituled, An act for raising the sum of six thousand pounds by a lottery, for the further protection of his majesty's subjects, against the insults and encroachments of the French, it was amongst other things enacted, that the persons by the said act, nominated and appointed managers and directors, to oversee and direct the drawing of the said lottery, should on the eleventh day of December, next ensuing, in case all the lottery tickets should then be sold, proceed to the drawing of the same, according to the rules and directions in the said act prescribed: And further, that if all the said tickets should not be sold or disposed of, on or before the said eleventh day of December, that then the tickets remaining unsold, should be drawn on account, and for the use and benefit of the country, *provided,* The same did not exceed five thousand; but that if the remaining tickets should exceed that number that then the said managers should give public notice thereof, by advertising the same, six times in the Virginia Gazette, and in that case, should repay to the

several purchasers of tickets, their executors, administrators or assigns, so much money, as should have been by them respectively paid or laid out in the purchase of such tickets. And whereas the time by the said act given, for the sale of the said lottery tickets is not sufficient, and it is necessary that the drawing of the said lottery, should be further prolonged, in case twenty thousand of the said tickets, should not be disposed of, on or before the eleventh day of December:

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That in case it shall so happen, that twenty thousand of the said lottery tickets shall not be sold and disposed of, on or before the said eleventh day of December, next ensuing, that then the said managers and directors, shall on the sixth day of May, next following, proceed to the drawing of the said lottery at the place, and according to the rules and directions in the said recited act particularly expressed.

In what case time of drawing the lottery is to be continued.

III. *And be it further enacted,* That if all the said lottery tickets, shall not be sold or disposed of, before the said sixth day of May, that then the tickets remaining unsold, shall be drawn on account, and for the use and benefit of the country: *Provided,* The same do not exceed five thousand; but if the remaining tickets, shall exceed that number, then the said managers shall give public notice thereof, and repay to the purchasers of tickets, their purchase money, as in the said recited act is directed.

Where all the said tickets are not sold before the sixth day of May.

CHAP. VIII.

An Act for paying the Burgesses wages, for this present session of Assembly.

I. WHEREAS by an act of Assembly, made in the fourth year of the reign of her late majesty queen Anne, intituled, An act for regulating the election of Burgesses, for settling their privileges and ascertain-

ing their allowance; it is amongst other things enacted, that the allowance for Burgesses attending the General Assembly, should be as followeth, that is to say, for every Burgess coming by land, one hundred and thirty pounds of tobacco and cask a day, besides the necessary charge of ferriage: And for every Burgess who could not come to the General Assembly, otherwise than by water, one hundred and twenty pounds of tobacco and cask a day, to be paid them by the county, for which they serve respectively, besides an allowance for divers days of travelling to, and from the General Assembly, as in the said act is particularly mentioned. And whereas by one other act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages; it is amongst other things enacted, that when any session of Assembly should be hereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands, to discharge all the debts due from the public, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, leaving and reserving in the hands of the said treasurer, over and above the said payments, a balance of one thousand five hundred pounds, at the least; then every Burgess elected and serving for any county or corporation, should be paid out of the public money, the sum of ten shillings, for each day he should serve in the house of Burgesses, and for the days of coming to, and returning from the General Assembly, according to the first recited act, in lieu of all other demands for that service, with further allowance to the Burgesses of Accomack and Northampton, and others coming to the General Assembly by water, as in the said act is particularly directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the last mentioned act, and the same must be paid by the several counties; but for as much as the allowance according to the first mentioned act, are very unequal by reason of the various prices of tobacco in the different parts of the colony; for making the same more equal and just,

II. *Be't* enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the several county courts within this colony, (except the counties of Augusta, Frederick, and Hampshire) shall at the laying of their next county levies, respectively, raise and levy so much tobacco, as will be sufficient to pay the wages of their respective Burgesses, for this present session of Assembly, according to the directions and regulations in the said last recited act mentioned, and shall cause the tobacco so levied, to be sold, and such wages paid out of the money arising by such sale, on or before the tenth day of July, which shall be in the year, one thousand seven hundred and fifty six; and that the several county courts of Augusta, Frederick, and Hampshire, shall also at the times aforesaid, levy and pay in money the wages of their respective Burgesses, for this present session of Assembly.

ANNO REGNI

GEORGE II,

**Regis Magnæ Britanniæ, Franciæ, et
Hiberniæ, vicesimo nono.**

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord, George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, one thousand seven hundred and fifty two. And from thence continued by several prorogations, to Monday the 27th day of October, in the twenty-ninth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty five, and then held at the Capitol in the City of Williamsburg; being the eighth session of this Assembly.

Robert Dinwiddie, esq.
governor.

CHAP. I.

An Act to amend an act, intituled, An act for amending an act, intituled, An Act for making provision against invasions and insurrections.

I. WHEREAS the act, intituled, An act for amending an act, intituled, An act for making provision

against invasions and insurrections, hath been found insufficient to retain the forces which have inlisted in the service of this colony in their duty, and to empower courts martial to inflict such punishments on soldiers who mutiny or stir up sedition, or desert the said service, as these offences require,

Punishment
of mutiny,
desertion
and disobe-
dience.

II. *BE it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That if any person who is or shall be mustered, or in pay as an officer, or who is or shall be enlisted or in pay as a soldier, and shall remain in such service, or shall during the continuance of this act, voluntarily enter himself in the said service as a soldier, shall at any time begin, excite, cause or join in any mutiny or sedition, in the company, troop, or regiment, whereunto he doth belong, or in any other company, troop, or regiment, or desert the said service, or being a soldier actually enlisted in any regiment, troop, or company, shall enlist himself in any other regiment, troop, or company without a discharge produced in writing from the colonel, and in his absence, the commanding officer of the regiment, troop, or company, in which he last served as an enlisted soldier; and if any officer shall refuse to obey any lawful command of his superior officer, or shall strike or raise any violence against his superior officer, being in the execution of his office, all and every person and persons so offending in any of the matters before mentioned, shall suffer death, or such other punishment, as by a court martial held according to the rules and directions herein after mentioned, shall be inflicted.

Governor
may grant
a commis-
sion for hold-
ing a court-
martial.

III. *And be it further enacted, by the authority aforesaid,* That the honorable Robert Dinwiddie, esquire, his majesty's lieutenant governor, and commander in chief of this colony, or the commander in chief for the time being, may from time to time grant a commission under the seal of this colony, to any officer not under the degree of a field officer, for the holding a general court martial within this colony. in which court martial, all the offences above mentioned shall be tried and proceeded against in such manner, as by this act, shall be hereafter directed:

Each court
shall consist

IV. *And it is hereby further enacted and declared,* That no general court martial which shall have pow-

er to sit by virtue of this act, shall consist of a less number than nine, whereof none to be under the degree of a commission officer; and that such court martial shall have power and authority, and are hereby required to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them: of nine at the least.

V. *Provided always*, That in all trials of offenders by general courts martial, to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the evangelists, which shall be first administered to the presiding officers by the rest of the members present at such courts martial, and then by the presiding officer to them, in these words, (that is to say.) Members of such court to take the following oaths.

You shall well and truly try and determine, according to your evidence in the matter now before you, between our sovereign lord the king's majesty, and the prisoner to be tried.—*So help you God.*

I A. B. do swear, that I will duly administer justice, according to the rules and articles, for the better government of his majesty's forces, and according to an act of Assembly, intituled, An act to amend an act, intituled, An act for amending an act, intituled, An act for making provision against invasions and insurrections, without partiality, favor, or affection; and if any doubt shall arise which is not explained by the said articles or act of Assembly, according to my conscience, the best of my understanding, and the custom of war in the like cases: And I further swear, that I will not divulge the sentence of the court until it shall be approved by the governor, or commander in chief, for the time being; neither will I upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law.—*So help me God.*

And that such court martial shall have power to appoint a clerk, to keep a register of their proceedings, to whom the president of the court shall administer the following oath, *to wit*: Clerk to be appointed by the court.

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court mar- His oath.

V v—Vol. 6.

tial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law.

What number must concur in sentence.

Within what hours the trial must be.

Party tried to have a copy of his sentence, &c.

And no sentence of death shall be given against any offender in such case, by any general court martial, unless six officers present shall concur therein; and if there be more officers present than nine, then the judgment shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning, and three in the afternoon, except in cases which require an immediate example: *Provided always*, That the party tried by any general court martial in this colony, shall be entitled to a copy of the sentence and proceedings of such court martial, upon demand thereof made by himself, or by any other person or persons on his behalf, (he or they paying reasonably for the same) at any time not sooner than five days after such sentence, whether such sentence be approved or not, any thing in this act to the contrary notwithstanding.

A transcript of the proceedings to be sent to the governor, and execution suspended till the governor's pleasure be known.

VI. *Provided also, and be it enacted by the authority aforesaid*, That the president and other officers acting as members of any such court martial do, and they are hereby required to transmit with as much expedition, as the opportunity of time and distance of place can admit, a transcript of the proceedings, and sentence of such court martial, under their hands and seals to the governor, or commander in chief, for the time being; and that execution of all and every such sentence and judgment shall be suspended until the pleasure of the governor, or commander in chief, for the time being, be known, who if he thinks proper, is hereby desired to issue his warrant under the seal of the colony, for putting such sentence or judgment into execution, and to transmit the same to the presiding officer at such court martial. And whereas several soldiers after being enlisted, do desert, and are often found wandering or otherwise absenting themselves illegally from the service aforesaid:

Power of magistrates to apprehend deserters.

VII. *Be it enacted by the authority aforesaid*, That it shall and may be lawful to and for all magistrates, officers, and others, who shall have reasonable cause to suspect any man to be such a deserter, to apprehend or cause him to be apprehended, and to cause such person to be brought before any justice of the peace of the said county, who hath hereby power to

examine such suspected person, and if by his confession, or by the testimony of one or more witness or witnesses upon oath, or by the knowledge of the justice of the peace, it shall appear or be found that such suspected person is an enlisted soldier, and ought to be with the troop or company to which he belongs, such justice shall issue his warrant to the next constable, requiring him to receive such deserter, and him to convey and deliver to the next constable, and so from constable to constable, until such deserter be delivered to the commanding officer of the troop or company to which he belongs; and every constable to whom such deserter and warrant shall be produced, shall execute the same, and give a receipt upon the delivery of the deserter to him under the penalty of forfeiting five hundred pounds of tobacco, recoverable before any justice of the peace, to the use of the informer.

VIII. *And be it further enacted, by the authority aforesaid,* That every constable charged with the conducting any deserter, shall be, and is hereby impowered to impress men and horses where necessary, for the safe conveying the deserter or deserters wherewith he stands charged; and if such constable shall suffer such deserter to escape, he shall forfeit and pay five hundred pounds of tobacco, to the use of the informer, to be recovered in the manner herein before mentioned. And for the better encouragement of any person or persons to secure or apprehend such deserters, as aforesaid:

Constables charged with such deserters may impress men and horses.

Penalty to suffer them to escape.

IX. *Be it further enacted, by the authority aforesaid,* That such justice of the peace shall give him or them a certificate thereof, and the taker up shall be entitled to two hundred pounds of tobacco, to be levied on the public: *Provided always,* That if any person shall harbor, conceal, or assist any deserter from the troops, which now are or hereafter shall be in the pay of this colony, knowing him to be such, or if any person shall knowingly buy or exchange, or otherwise receive any arms or cloaths from any soldier or deserter, on any pretence whatsoever, the person so offending, shall forfeit for every such offence, the sum of twenty pounds, and upon conviction by the oath of one or more credible witness or witnesses, before any justice of the peace in the county where the offence shall be committed, the said penalties shall be levied by warrant,

Encouragement to persons to take up deserters.

Penalty to harbor or deal with them for their arms or cloaths.

How recoverable.

under the hand of the said justice of the peace, by distress and sale of the goods and chattels of the offender; to be paid to the informer.

General
issue may be
plead and
the special
matter given
in evidence.

X. *And be it further enacted*, That if any action, bill, plaint, or suit, shall be brought against any person or persons for any act, matter or thing to be acted or done, pursuant to this act, that it shall and may be lawful, for all or any person or persons sued as aforesaid, to plead thereunto the general issue, and to give such special matter in evidence to the jury, who shall try the issue, which special matter if pleaded had been a good and sufficient matter in law, to have discharged the defendant or defendants of the trespass or other matter laid to his or their charge.

Repealing
clause.

XI. *And be it further enacted, by the authority aforesaid*, That so much of the said act as is contrary to this act, shall be, and is hereby repealed.

Continu-
ance.

XII. *And be it further enacted, by the authority aforesaid*, That this act shall continue and be in force for and during the space of one year, and no longer.

CHAP. II.

An Act to amend an act, intituled, An Act for preventing and repelling the hostile incursions of the Indians, at enmity with the inhabitants of this colony.

Preamble

I. WHEREAS by an act passed at the former session of this present General Assembly, intituled, An act for preventing and repelling the hostile incursions of the Indians, at enmity with the inhabitants of this colony, it stands enacted, That the sum of ten pounds shall be paid by the treasurer of this colony, out of the public money in his hands, to any person or persons, party or parties, either in the pay of this colony or other inhabitants thereof, for every male Indian enemy, above the age of twelve years, by him or them taken prisoner, killed or destroyed within the limits of this colony, at any time within the space of two

years, after the end of the said session of Assembly. And whereas the said act would prove more beneficial in case our friendly Indians had been entitled to the rewards therein mentioned;

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the sum of ten pounds shall be likewise paid by the treasurer of this colony, to any Indian or Indians in friendship and amity with the inhabitants of this colony, for every male indian enemy, above the age of twelve years, by him or them taken prisoner, killed or destroyed, within the limits of this colony, at any time within the space of one year, after the end of this session of Assembly:

III. *Provided,* That in case the present hostilities shall cease, within the said one year, and the governor, or commander in chief of this colony, with the advice and consent of the council, shall by proclamation signify the same, and direct the said reward to be discontinued, then the said reward shall immediately after publishing the said proclamation, cease, and be discontinued accordingly. And to entitle our said friendly Indians, to the said reward:

IV. *Be it further enacted by the authority aforesaid,* That every Indian enemy, so to be taken by our friendly Indians or any of them, shall be delivered to the keeper of the public goal in the city of Williamsburg, to be by him safely kept, until discharged by the governor, or commander in chief of this colony; and the scalp of every Indian so to be killed or destroyed by our friendly Indians, as aforesaid, shall be produced to the governor, or commander in chief, by the Indian or Indians, killing or destroying such Indian enemy, and he or they shall give sufficient satisfaction of the time and place of his or their taking prisoner, killing or destroying such Indian enemy, to the governor, commander in chief, who is thereupon desired to issue his warrant to the treasurer, for paying the reward aforesaid: And the governor is hereby desired to notify this act to the neighbouring Indians, under the protection of, or in alliance with his majesty, as soon as conveniently may be.

Indians in amity with this colony entitled to the reward for killing, &c an Indian enemy.

When the present hostilities cease, governor, &c. may by proclamation discontinue the reward.

How our friendly Indians may become entitled to the reward.

CHAP. III.

An Act for the better collecting the Land and Poll-Tax.

Preamble.

I. WHEREAS some sheriffs have refused or been unable to give security for collecting the taxes imposed by one act of Assembly, made in the twenty eight year of his majesty's reign, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects, against the insults and encroachments of the French, and one other act, intituled, An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects, against the insults and encroachments of the French, and for other purposes therein mentioned; and no other collectors have been appointed in their stead, by the courts of the counties where such refusal or inability hath happened pursuant to the directions of the said acts; to prevent the inconveniences that may arise thereby,

Where sheriffs have not given security according to former acts.

II. Be it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That where any sheriff hath not given security, and shall neglect or refuse to give security, for collecting any of the said taxes in the manner by the said acts prescribed, within three months after the passing of this act, every such sheriff shall forfeit and pay the sum of one hundred pounds; and the justices of the court where such neglect or refusal shall happen, shall and they are hereby required to order the person appointed to prosecute for the king in such court, to exhibit an information in the name of our sovereign lord the king, against such sheriff for recovery of the same, which when recovered, shall be paid to the treasurer of this colony, for the time being, and applied to the same uses as the said taxes are directed to be applied: *Provided always,* That if such sheriff shall in open court on his corporal oath depose, that he hath used his best endeavours to procure such security, and cannot get the same, then he shall not be liable to such penalty.

III. *And be it further enacted, by the authority aforesaid,* That where any sheriff shall refuse, or be unable to give security, within the time herein before limited, for the collection of the said taxes or any of them, and no other person will undertake the same, then and in every such case, the court of the county where such refusal or inability shall happen, shall certify the same to the governor, or commander in chief, for the time being, who upon such certificate being produced to him, is hereby empowered and desired to appoint some other fit and able person to be sheriff of such county in the room of the sheriff so refusing or disabled, as aforesaid, which person so appointed as aforesaid, shall at the next court to be held for his county, after the date of his commission, give bond and security for the due collection and payment of the money laid and assessed by the said above mentioned acts, and shall account for and pay the same, in the same manner, as is directed by the said acts, and shall be subject to the same penalty, for refusing or neglecting to give security, recoverable in the same manner, as is herein before directed.

Where sheriffs are unable to give such security, governor to appoint others in their stead.

CHAP. IV.

An Act for settling the rents of the public warehouses and inspectors salaries, for this present year.

I. WHEREAS the salaries of the several inspectors at the public warehouses are more than sufficient to compensate them for their trouble and service, in inspecting the short crop of tobacco, made this present year, and will be a great expence and unnecessary burthen to the public,

Preamble.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted by the authority of the same,* That the salaries directed to be paid to the inspectors at the several public warehouses, for the inspection of tobacco in this colony be and are hereby dis-

Inspectors instead of their salaries to receive three shillings per hogshead.

continued for this present year, and in lieu thereof, the said inspectors shall retain to their own use three shillings, for every hogshead of crop tobacco, and five shillings for every hogshead of transfer tobacco, which has been or shall be delivered by them, respectively, between the twentieth day of October, in this present year, and the twentieth day of October next, over and above the six pence allowed for nails, for every hogshead of transfer tobacco, out of which nevertheless, they shall pay to the proprietors of the said warehouses, eight pence for every hogshead that shall be delivered out of such warehouses, within the time aforesaid.

Proprietors
instead of
their rents
to receive 8d.
per hogs-
head.

Inspectors to
account.

III. *And be it further enacted, by the authority aforesaid,* That the proprietors of all warehouses, which have a certain and established rent by law, shall instead of such rent, receive eight pence for every hogshead of tobacco, delivered as aforesaid, and no more:

IV. *Provided nevertheless,* That the several inspectors shall account for and pay to the treasurer, all sums of money arising by the said three shillings, and five shillings per hogshead, over and above their salaries, established by law, and the eight pence per hogshead, due to the proprietors of the respective warehouses.

CHAP. V.

An Act to enable the inhabitants of this colony to discharge their Tobacco debts in money, for this present year.

Preamble.

I. WHEREAS by reason of the great drought a very small quantity of tobacco is made, so that the inhabitants of this colony are not able to pay their public, county and parish levies, and the officers fees, and other tobacco debts in tobacco for this present year, according to the directions of the laws now in force; for remedy whereof, and to prevent the sheriffs and other collectors of the public dues, from taking advantage of the necessities of the people, and exacting exorbitant prices for tobacco, due or payable to them from the poor and needy,

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That Tobacco debts may be paid off at 16s. 8d.
 it shall and may be lawful to and for any person or persons, from whom any tobacco is due by judgment; for rent, by bond, or upon any contract, or for public, county and parish levies, or for any secretaries, clerks, sheriffs, surveyors, or other officers fees, or by any other ways or means whatsoever, to pay and satisfy the same, either in tobacco, according to the directions of the act of Assembly, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs, or in money, at the rate of sixteen shillings and eight pence, for every hundred pounds of nett tobacco, and so in proportion for a greater or lesser quantity, at the option of the payer: And the sheriffs and other collectors shall, and they are hereby required to receive the same from any person or persons, in discharge of any such levies and officers fees; and the sheriffs or other collectors of the levies and fees, aforesaid, shall account with, and pay to the persons entitled to the same, in proportion to their several demands, all tobacco and money which they shall receive in payment of such levies and fees, which shall discharge such sheriffs and collectors from any other demand for such levies and fees, any law to the contrary thereof notwithstanding.

III. Provided always, That nothing herein contained shall extend, or be construed to extend, to any public, county, or parish levies, or officers fees now due or hereafter to become due, in any county where by law the inhabitants of such county, are now empowered to discharge the same in money. Not to extend to any debts now due.

IV. And be it further enacted, That this act shall continue and be in force for the space of ten months, Continuance.
 and no longer.

CHAP. VI.

An Act for paying the Burgesses wages out of the Treasury, for this session of Assembly.

Preamble.

I. WHEREAS by one act of Assembly, made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts, it should appear that there are monies sufficient in his hands, to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer, over and above the said payments, a ballance of one thousand five hundred pounds, at the least; then every Burgess elected and serving for any county or corporation, within this dominion, should be paid out of the public money, the sum of ten shillings, for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations, as in the said act is at large directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll,

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer, on the first day of November, in the year of our lord, one thousand seven hundred and fifty six, out of the public monies then in his hands, according to the directions and regulations in the said recited act mentioned, any thing in the said act to the contrary thereof, in any wise notwithstanding.*

INDEX

TO THE

SIXTH VOLUME

OF THE

Statutes at Large.

ABATEMENT.

Pleas in, rules concerning 336
ACCESSARIES.

In horse-stealing, how punishable 130. May be prosecuted, although the principal felon be not convicted 130.

ACCOUNTS.

Store, how proved 53. Limitation 54. Defendant may contest such proof 55.

ACCOUTREMENTS.

Of the militia, of what to consist 531.

ACTIONS.

Of debt on protested bills of exchange 86. So, on notes 86. So, on bonds, bills, or notes assigned 87. By ministers, for disturbance in their benefices 96.

ACTS OF ASSEMBLY.

Certain acts repealed 131, 132.

ADIE, HUGH

Act for relief of, and Nathaniel Harrison 280.

ADJUTANT GENERAL.

His privileges, in passing ferries 541.

ADMIRALTY.

Act concerning seamen, not to affect the jurisdiction of 28.

AGE.

Of children imported, how adjudged 41.

ALBEMARLE.

County, part of, on south side James River added to Bedford 441. Mode of holding courts in, altered 201. Expiration of act 231.

ALEXANDER, GERARD

Intail of certain lands, in Fairfax, whereof he is seized, docked 399.

ALEXANDRIA.

Fairs allowed in town of 286. Privileges at 287. Act for, revived 499.

AMELIA.

County divided, and Prince Edward formed 379. Boundaries 380. Court days 380.

APPEAL.

Allowed, on convictions for gaming 79. To general court 329, 339. Errors, how assigned 339. Damages on 340. Limitation of 340. Judgment in 340.

APPEARANCE.

In personal actions, without bail 331. By engagement of attorney 331.

APPOMATTOX.

River, act for clearing 291.
Power and duty of trustees
292, 293. Bridge over, to be
built by subscription 293.

APPRIASEMENT.

Of articles impressed, for mili-
tary purposes, how to be 115.

APPRENTICES.

What poor children may be
bound 32. To serve out their
full time 368. Of the militia,
fines on, how collected 539.

ARMISTEAD, JOHN

Authorised to dispose of certain
intailed lands, for perform-
ance of his father's will 405.

ARMISTEAD, WILLIAM

Agreement between, and Philip
Johnson, concerning certain
lands, confirmed 412.

ARMS.

Found in custody of negro, mu-
latto or Indian, may be seiz-
ed 109. Exception 110. Mi-
litia to find their own 116.
When the public to provide
118. Of officers, of the mi-
litia 537. Of privates 537.
Time allowed to provide 537.
Exempted from executions
and distresses 538.

ARMY.

Raised by impressment, for
French war 438. Power of
justices to levy soldiers by
warrant 438. Who exempt-
ed 439. Their pay 439. Pro-
vision for, if wounded 439.
Further preparations for sup-
porting, by instituting a lot-
tery 553. Act for raising reve-
nues for, explained 461. Ran-
gers to be enlisted or drafted
of young men of the militia,
who have not wives or chil-
dren 465. Further provi-

sions, for raising 521. En-
couragement to enlist 525.
Remedy against fraudulent
arrests, in those enlisted 525.
Act of limitations, not to run,
in favor of soldiers, while pri-
viledged from arrests 527.
Militia who have not wives
or children to be drafted 527.
Wounded in the service, to
be supported by the public
527. Rewards to officers and
privates, who behaved gal-
lantly, in the late engagement
on the Monongahela 528.
Treasury notes, to be emit-
ted 528. Their currency and
redemption 529. Act for bet-
ter regulating and training
the militia 530. Act amend-
ing the act for making provi-
sion against invasions and in-
surrections 544. Duty of offi-
cers, on notice of 544. To call
a council of war 545. Fines for
various offences 546. Corres-
pondence with enemy felony
546. Liability to martial
law 546. Courts martial how
constituted 547. Disobedience
how punishable 547. Limi-
tation of punishment 548.
Protection of officers if sued
548. Militia not to be march-
ed more than five miles be-
yond inhabitants, on western
frontiers 548. Officer not
permitted to resign, when
called into service 548. Pay
of officers and soldiers 548.
Of the cavalry 549. Of the
infantry 549. Of smiths
wheelwrights, carpenters, and
other artificers 549. For wag-
gons, boats &c. 549. Re-
wards, for Indian prisoners,
or Indian scalps 551. Punish-

ment of mutiny, desertion, and disobedience 560. Special courts martial may be authorized by the governor 560. Of what number to consist 560. Their oath and that of their clerk 561. What number must concur in sentence 562. Within what hours, court to sit 562. Party, accused to have a copy of his sentence 562. Record of proceedings to be transmitted to governor, and sentence respited, until his pleasure be known 562. Power of magistrates to apprehend deserters 562. Constables charged with, may impress men, and horses 563. Penalty to suffer escapes 563. Encouragement to apprehend deserters 563. Penalty to harbour, or deal with them for their arms, or cloaths 563. How recoverable 563. In what actions, defendant may plead the general issue, and give the special matter in evidence 564. Friendly Indians intitled to reward for Indian scalps 564. 565.

ARTIFICERS.

Pay of 117, 549.

ASSEMBLY.

Inspectors of tobacco ineligible to 185.

ASSIGNMENTS.

Of bonds, &c. allowable, and assignees may bring suits in their own names 87.

ATTACHMENT.

For rent, when it lies 11. Proceedings upon 11. Goods carried off the premises, may be seized within 10 days 11. But not if *bona fide* sold 12.

ATTORNEIES.

Examiners of, how appointed 140. Licence, how obtained 141. How qualified 141. Penalty for practising without 142. Who incapable of obtaining 142. General court may suspend 142. Barristers exempted 142. Power of county courts over 142. Liable to pay costs, for neglect 142. Those of general court, not to practise in county courts 143. Proviso 143. Exception, as to some courts 143. Only two to argue on a side 143. Except in criminal cases 143. Engagement for defendants 331. Fees of, in general court 336. Fees of, settled 371.

AUGUSTA.

Encouragement, to settle in county of, on the waters of the Mississippi 258, 355. Salary of minister of parish of, commuted for money 369. County, part of added to Frederick, and Hampshire formed from both 376. Mode of holding courts in, altered 201. Expiration of act 231.

BADGES.

To be worn by the poor, at a work house 478.

BAIL.

Rules concerning, in certain county courts 203. In what cases, no bail required 331. Rules where bail required 331. Remedy of Sheriff 332. Of bail 332. Recognizance of, how taken 333. When liable 333. In what cases no bail 333.

BALLAST.

Regulations, for unlading 98, 100.

BANNS.

Publication of, previous to marriage 82.

BARRISTERS.

Their privileges 142.

BASTARDS.

Servant women having, rules concerning 360.

BEASTS.

Trespasses by unruly, penalty on owner 38.

BEDFORD.

Officers' fees due in, payable in money 372. County formed, from Lunenburg 381. Boundaries 381. Court days 381. Part of Albemarle and Lunenburg, added to 441.

BEEF.

Inspectors of appointed, their duty 147. How inspected 147. Contents of barrel of 148. Regulations for exporting 150.

BEGGARS.

To be sent to work-houses 476. How governed 477.

BILLS.

Actions of debt may be maintained on 86. So, by assignee 87.

BILLS OF EXCHANGE.

Damages on protest 85. How judgment to be entered 86. Protested, to have force of judgments 86. Action of debt may be maintained on 86. Defendant may prove discounts 87. Currency paid for sterling, to be expressed in 479. Penalty 480. Drawer may exhibit a bill in equi-

ty to discover true amount 480.

BLISLAND.

Vestry of parish of, in James City and New Kept authorised to sell certain lands, and lay out the money in communion plate, and church ornaments 393.

BOATS.

Penalty for taking without leave 40.

BOLLING'S POINT.

Warehouse, act for relief of proprietors, whose tobacco was burnt in 485.

BONDS.

Assignee of bonds, bills, and notes may maintain an action in their own names 87. But must allow all just discounts 87.

BOOK-DEBTS.

Method of proving store accounts 53. Limitation 54. 55. Ex'rs. or adm'rs. may prove in like manner 54. When a copy may be given in evidence 54. Defendant may contest such proof 55.

BOUNDARIES.

Of lands, how to be marked by surveyors 35.

BRIBERY.

In inspectors of tobacco, how punishable 185. On the person offering it 186.

BRIDGER, JOSEPH

Intail of certain lands, whereof he is seized docked 448.

BRIDGES.

How erected, and kept in repair 66. Owners of iron works may take timber for 138. Bridge over Pagan creek, to be erected 288. Over Appo-

mattox, by subscription 293.
One to be erected over Hog
Island creek 495.

BROKERAGE.

Rates of 103. Penalty for ex-
ceeding 104.

BROMFIELD.

Parish in Culpeper, formed
from St. Mark and St. Thom-
as 256.

BRONAUGH, WILLIAM

Lieutenant, reward to, for his
gallant conduct, in the late
engagement on the Mononga-
hela 528.

BRUNSWICK.

County, mode of holding courts
in, altered 201. Expiration
of act 231.

BURGESSES.

Inspectors of tobacco, ineligible
to house of 185. Wages of,
payable in money 251, 373,
422, 432, 570. At what time
251, 374, 423, 433. To be
paid by their respective coun-
ties 497. Travelling expen-
ses, how adjusted 498. Wa-
ges of, how and when payable
555, 570.

CADOWGAN, WILLIAM

Certain lands, devised by, in
upper parish of Nansemond,
to be sold 266.

CAPE HENRY.

Light house to be erected at 227.
Duties to be paid by masters
of ships 228.

CAPITOL.

Treasurer authorised to borrow
money, for the purpose of re-
building 196. Persons ap-
pointed to contract for 197.
Directors, their power and
duty 198.

CASE ARGUED.

When to be argued in general
court 336.

CATTLE.

Trespasses by unruly, penalty
on owner 38. Duty of dri-
vers, passing through the co-
lony 124. Must produce
manifests, take an oath, &c.
125. Penalty, for neglect
125. Sheriff's duty and fees
125. Appropriation of seiz-
ure 126. Persons excepted
126.

CERTIFICATES.

And plats of survey, when and
where to be returned 35, 36.

CERTIORARI.

Rules, in issuing 330, 340, 341,
342. Punishment for false
oath, on 341.

CHAIN-CARRIERS.

On surveys, to be sworn 36.

CHAMBERLAYNE, THOMAS

Intail of certain lands, in James
City, docked, and vested in
319.

CHANCERY.

Rules of practice in county
207. In the general court
345 to 349.

CHEATS.

At gaming, how punishable 79.

CHEW, ROBERT

Intail of certain lands, in Mid-
dlesex, docked, and vested in
402.

CHILDREN.

Ages of imported, how adjudg-
ed 41. Bond or free accord-
ing to the condition of their
mother 357.

CHURCHWARDENS.

Their duty in transferring the

poor to their own parish 31.

In receiving them 32.

CLERGY—See **MINISTERS**.

Act for support of 88. Salary 88.

Levy for 88. Repairs by 89.

Entitled to all the spiritual and temporal benefits of the parish 90. Action for disturbance 90.

CLERGY, BENEFIT OF

When allowed to slaves, when not 105, 106. Third offence of hog-stealing 123.

CLINCH, REBECCA

Wife of William, intail of certain lands whereof she is seized, in Charles City, docked, 297.

COLCHESTER.

Town of, in Fairfax county, established 396.

COLLECTORS.

Of customs, their duties and fees 96. Of land and poll-tax, when to be appointed 567.

COLLEGE.

Of William and Mary, duties for support of 91.

COMMON LAW.

Rules of practice at, in certain county courts 205.

CONSPIRACY.

In slaves, to rebel or murder, felony without clergy 105.

CONSTABLES.

Conducting runaways, how ferriages to be paid 22. Duty of, in preventing the tending of seconds of tobacco 51, 52. Duty of, in suppressing unlawful assemblies of slaves 109. Power and duty of, charged with deserters 563. Penalty for suffering escapes 563.

CONTRACTS.

Between master and servant, when void 358.

CONVICTS.

Incapable of obtaining license to practise law 142.

COPLE.

Vestry of Parish of, in Westmoreland county dissolved 517.

CORN, INDIAN

Price of, limited 553.

CORRESPONDENCE.

Felony to hold with enemy 546.

COSTS.

In cases of Usury 103. When prosecutors are to pay 246.

COUNCIL OF WAR.

To be held, on notice of invasion, or insurrection 545.

COUNCILLORS.

Process against 330.

COUNTERFEITING.

Notes, stamps, or receipts of inspectors 167.

COUNTIES.

Lunenburg divided, and Halifax formed 252. Boundaries 252. Court days 253. Prince George, divided, and Dinwiddie formed 254. Boundaries 255. Court days 255. Frederick and Augusta divided, and Hampshire formed 376. Boundaries 377. Court days 377. Amelia divided 379. Prince Edward formed 380. Boundaries 380. Court days 380. Lunenburg again divided and Bedford formed 381. Boundaries 381. Court days 381. Surry divided and Sussex formed 384. Boundaries 384. Court days 384. Part of

Albermarle and Lunenburg added to Bedford 441.

COUNTY COURTS.

Method of holding, in Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta, altered 201. Rules of proceeding in, 201, 210. Process and proceedings in, between commencement and expiration of act, declared valid 231. Actions against justices of, jointly 336.

COURTS.

Method of holding, in Brunswick, Fairfax, Lunenburg, Frederick, Albemarle, and Augusta altered 201. Quarterly courts, in 202. Rules concerning attachments 202. Bail 203. Defendant in custody 204. Process when defendant is not found 204. Rules of practice, at common law 205. In chancery 207. Same fees for rules, as orders 210. Grand juries 210. Orphan's court 210.

COURTS MARTIAL.

How constituted, their power and duty 534, 535. What fines they may impose 535, 536. How appointed, in times of invasion and insurrection 547. Officers of, to take an oath 547. Form of oath 547. To appoint a clerk 547. His oath 547. Governor may grant a commission, for holding a court martial 560. Of what number court to consist 561. Members of court to take an oath 561. Form of oath 561. Court to appoint a clerk 561. His oath 561. What number must concur

X x x—Vol. 6.

in sentence 562. Within what hours court to sit 562. Party accused to have a copy of his sentence 562. Transcript of proceedings to be sent to governor, and sentence respited, until his decision thereon be known 562.

CRAIG, JAMES

Surgeon, reward to, for his gallant conduct, in the late engagement on the Monongahela 528.

CREEKS.

And rivers, act for clearing 69.

CRIMINALS.

Slaves, how tried 105. Judgment and execution 106.

CUMBERLAND.

Parish of, in Lunenburg divided and Russel formed 382. Fort to be garrisoned 463.

CUSTODY.

Proceedings against defendant in 333.

CUSTOMS.

Regulations, for securing, and preventing frauds in 94, 98.

DAMAGES.

For pound breach or rescous 10. On protested bills of exchange 86. How recoverable 87. On appeals 340.

DANDRIDGE, WILLIAM

Intail of certain lands, in King William, docked, and vested in 321.

DANDRIDGE, NATH. W.

Intail of certain lands whereof he is seized, in King William, docked 428.

DANSIE, THOMAS

Authorised to receive ferriages for passing to and from the causeway near Claiborne's

ferry, between King William and New Kent 425.

DEAD BODIES.

Penalty for casting into rivers and creeks 101.

DEBT.

For rent, when it lies 12. On protested bills of exchange 86. On notes 86. By assignees of bonds, bills, or notes 87. Tobacco debts, payable in money 569. Limitation of this last act 569.

DEBTORS.

Persons carrying, out of the country, without licence, liable for their debts 45.

DEBTS.

In what cases, debts contracted for retailed liquors not recoverable 74. All gaming void 76.

DEPOSITIONS.

Of witnesses, when may be taken 337.

DESERTION.

How punished, in officers and soldiers 546. Further punishment of 560. Power of magistrates to apprehend deserters 562. Power and duty of constables charged with such 563. Rewards for apprehending 563. Penalty for harbouring or dealing with, for arms or cloaths 563.

DINWIDDIE.

County, formed from Prince George 254. Boundaries 255. Court days 255.

DISCOUNTS.

May be proved by defendant, on trial 87.

DISMEMBERING.

Of slaves, when allowed 111.

DISOBEDIENCE.

In officers or soldiers, how punishable 547.

DISTRESS.

For rent, how made 9. May be replevied 9. For tobacco, within certain periods 10. Wrongful distress, remedy for 10. Pound breach or rescous of goods distrained 10. Goods carried off the premises, when distrainable 11. But not if *bona fide* sold 12. Distress, after lease determined 12. Proviso 12. Further proviso 12. When officers' fees and public dues distrainable 171.

DOCKETS.

Of causes, in general court, how made out 328.

DOGS.

Not to be carried by slaves 295. Sheep-killing may be destroyed 295, 489. Number limited to a negro quarter 489. Exception 489.

DRAFTS.

For French war, 438. Of unmarried men, for rangers 465. Of the militia, who have not wives or children 527.

DRAWBACK.

On horses exported, 127. How secured, 128.

DRINK.

What tavern debts for, void 74.

DRIVERS.

Of cattle, regulations concerning 124.

DUTIES.

On hides, skins, and furs exported, for support of William and Mary College, 91. How collected and paid, 91, 92. On tobacco exported, 92. How

collected, 93. Salary of collectors, 94. Bonds to be given by masters of ships entering or lading for exportation, 95. To whom duties paid, 96. Power of officers of customs, 96. Collector's fees, 96. Naval officers, 97. Duty on horses imported, 126. How collected, 127. Drawback, 127. On liquors continued, 193. On slaves, revived, 217, 253. How collected and accounted for, 218, 221. Additional on liquors, continued, 222, 354, 471. Additional on slaves, carriages, ordinary licenses, and law process, to raise funds for the protection of the settlers, on the waters of the Mississippi, against the French and Indians, 419, 420, 436, 437, 461, 466, 467. Duties continued, 468.

EMANCIPATION.

Of slaves, how obtained, 112.

ENEMY.

Felony to hold correspondence with, or give intelligence to 546.

ENTAILS.

See Fee-Tail and Lands.

ENTRIES.

For land, how to be made, 33. How a surveyor may enter for himself, 34. Rules in special cases, 34. How surveyed, 35. Entries of persons not attending surveyor, within one month after notice, void, 36.

ERROR.

Writ of, how obtained, 339, 340.

ESCAPES.

Sheriffs, their executors or administrators, liable to plain-

tiff, his executors, or administrators, for voluntary escapes, 345.

ESTRAYS—See Strays.

EVIDENCE.

When and in what manner store accounts may be given in evidence, 53, 55. On negro, mulatto, or Indian, giving false testimony, 106. When they may be witnesses, 107.

EXAMINERS.

Of attornies, how appointed, 140

EXCHANGE.

Rate of, to be fixed by courts, on rendering judgments, for sterling debts, 479.

EXECUTION.

Rent to be paid before execution satisfied, 10. Proviso, 10. Remedy against sheriff or officer, for not paying money received on 344.

EXEMPTS.

In the militia, who 531. But must furnish arms, 532. Overseers and millers exempted, not to appear at musters, 538.

EXPRESSES.

Public, exempt from ferriages, 21. Messengers, and expresses, 117.

EXUM, ELIZABETH

Certain lands of which she is seised, vested in justices of Southampton, 283.

EYRE, LITTLETON

Certain lands in Northampton, vested in 443.

FACTORS.

By whom goods sold, to be mentioned in the declaration, or petition, 481. Limitation of actions by, 481. Exception, 481. Lawyers fee to be taxed, 481.

FAIRFAX.

County, mode of holding courts in, altered, 201. Expiration of act, 231.

FAIRS.

In the town of Winchester, in Frederick county allowed, 269. Privileges at 269. In Alexandria, 286. Act allowing in Fredericksburg and Richmond, continued, 300.

FALMOUTH.

Trustees of town of appointed, 282. Their power and duty, 28.

FEEES.

For keeping ordinary, 73. Of minister's for marrying, 84. For a funeral sermon, 84. Of collectors, 96. Of naval officer, 97. Of Virginia owners, 97. Penalty on officer taking greater, 97. Table of fees to be set up, 98. Of public goaler, 136. Of inspectors of pork, beef, flour, tar, pitch, and turpentine, 148. How paid in tobacco, 168, 171. When distrainable, 171. When to be accounted for, 172. Remedy against sheriffs, 172. Act for collecting officers continued, 290. Further continued, 244. Of inspectors of lumber, 234. Act for, continued, 244. For Pedlars' licenses increased, 244. Of attornies in general court, 336. For runaways, 367. Of attornies settled, 371.

FEE-TAIL.

Intail of certain lands in Charles City, whereof Rebecca, wife of William Clinch is seised, docked 297. Certain intailed lands in Hanover, vested in Rueben Skelton, and others,

settled to the same uses, 300. Intail of certain lands in Isle of Wight, whereof Arthur Smith is seised, docked, and a mill with other lands, settled to the same uses, 308. Intail of certain land in Hanover, whereof David Garland is seised, docked, and other lands and slaves settled to the same uses, 311. Certain intailed lands in King William and Middlesex, vested in Henry Washington, 314. Intail of certain lands in James city, docked, & the same vested in Thomas Chamberlayne in fee-simple, and other lands settled to the same uses, 319. Intail of certain lands in King William, docked, and vested in William Dandridge, in fee-simple, and other lands and slaves settled to the same uses, 321. Intail of certain lands in Fairfax, whereof Gerard Alexander is seised, docked, and other lands and slaves settled to the same uses, 399. Intail of certain lands in Middlesex, docked, and vested in Robert Chew, in fee-simple, and other lands and slaves settled to the same uses, 402. John Armistead authorized to sell certain intailed lands in Essex, of the inheritance of his mother, late Susannah Meriwether, for the performance of his father's will, 405. Intail of certain lands in Gloucester, whereof Lawrence Smith is seised, docked, and other lands and slaves settled to the same uses, 407. Intail of certain

lands in King William, whereof Nathaniel West Dandridge is seised, docked, and other lands settled to the same uses, 428. Certain intailed lands in Northampton, vested in Littleton Eyre, in fee-simple, 443. Intail of certain lands in Nansemond, docked, and vested in Thompson Swann, and other lands and slaves settled to the same uses, 446. Intail of certain lands in Isle of Wight, whereof Joseph Bridger is seised, docked, the lands sold, and the proceeds laid out in other lands and slaves to be settled to the same uses, 448.

FELONY.

Trial of slaves for 104. What offences felony, 105. When clergyable, when not, 105, 106. Third offence of hog-stealing, 123. Malicious maiming and wounding, 250. To steal a slave, 369. To hold correspondence with the enemy, 546. To kill a friendly Indian, 552.

FENCES.

What deemed lawful, 38. Proceedings upon beasts breaking, 38,39,40.

FERRIES.

Public ferries established, and rates for men and horses, 13, 14,15,16,17,18,19. For carriages, tobacco, cattle, &c. 19,20. Penalty for exceeding legal rates, 20. County courts may establish opposite ferries, 20. May contract for passage of militia, 20. Saving to persons exempted, 21. Court may regulate boats and

hands, 21. Ferry keepers to give bond, 21. What deemed public expresses, 21. Adjutant General exempt, 22. Constables conveying runaways, how ferriage paid, 22. Privileges of ferry-keepers, 22,23. May keep an ordinary, 23. Penalty on others taking ferriage, 23. New ones established, 289. Free ferry at Port Royal, 296. New ferries established, 375. Thomas Dansie authorized to receive ferriages for passing to and from the causeway near Claiborne's ferry, between King William and New Kent, 425,426. New ones established, 494. Restrictions as to setting over persons from Northampton to York, Hampton, and Norfolk, 496.

FINES.

On county courts, or vestry, rules for prosecuting, 336. On the militia, for various delinquencies, 535,536. Incurred by infants and apprentices, how collected, 539. Power and duty of sheriffs, in relation to 539.

FLOUR.

Inspectors of, how appointed, their duty, 147. How to be inspected, 149.

FORGERY.

Of tobacco notes, how punishable, 167.

FREDERICK.

County, mode of holding courts in, altered, 201. Expiration of act 231. Parish of Frederick county dissolved, 258. Salary of minister commuted, for money, 369. County divided,

and Hampshire formed from that and part of Augusta, 376.

FREDERICKSBURG.

Act allowing fairs in, continued, 300.

FREE PERSONS.

Penalty for selling as slaves, 357. Children bond or free, according to the condition of their mother, 357.

FREE SCHOOL.

Lands devised by Benjamin Sym. for, in Elizabeth City. vested in justices, ministers and churchwardens, 389.

FRENCH & INDIAN WAR.

Preparations for, 417. Treasurer authorized to borrow money, 418. Directors appointed, 418. Protection of inhabitants on waters of Mississippi, 418. Additional duty on slaves, 419. On wheel carriages, 419. On ordinary licenses, 419. On law process, 420. Duties pledged as a security for money borrowed, 420. Further preparations for 436, 437. Army raised for 438. By impressment, 438. Further preparations for 453. Lottery instituted, 454. Act for raising revenues for, explained, 461. Tithables, how collected, 462. Fort Cumberland to be garrisoned, 463. Duty on slaves, 463, 466. Land tax, 463. Mode of collecting, 464. Rangers to be enlisted, 465. Treasury notes to be emitted, 467. Further preparations, 521. Act making provision against invasions and insurrections amended, 544.

FRONTIERS.

Privileges of negroes, mulattoes, and Indians, living on, to keep arms, &c. 110.

FRUIT TREES.

Rewards for taking up beasts known to have barked fruit trees, 39.

GAMING.

All gaming debts void, 76. Incumbrances on real estate for gaming, considerations to enure to the next heir, 76. Loser of forty shillings or more may recover money back, 77. If he does not sue in three months, any other person may, 77. And may recover the money paid and treble the value, 78. But repayment discharges the penalty, 78. Penalty for playing at public places, 78. On ordinary keeper permitting gaming, 79. On justices neglecting to enforce the law, 79. Appeal allowed, 79. Punishment of cheats, 79. Gamesters may be bound to good behaviour, 80. Penalty for quarrelling at gaming, 80.

GARLAND, DAVID

Intail of certain lands whereof he is seised, docked 311.

GENERAL COURT.

Process and proceedings in, between commencement and repeal of act for establishing, declared valid, 229. Act reducing into one act all acts concerning, 325. Composed of governor and council, 326. How many to constitute a court, 326. Oath of judges at common law, 326. In chancery, 327. Penalty for acting

without being sworn, 327. Jurisdiction, 327. Exception, 328. Terms of 328. Rules for docketting causes, 328. Power of adjournment, 328. Process, how issued and returned, 328. Appeals, rules concerning 329. Supersedeas, 330, 340. Certiorari, 330, 340, 341. Process against a councillor, 330. Or sheriff, 330. Appearance without bail, 331. Engagement of attorney, 331. Where bail requirable, 331. When bail or sheriff liable, Remedy of sheriff, 332. When judgment set aside, 332. Remedy where judgment confirmed, 332. Special bail, how taken, 333. How far liable, 333. In what suits, no bail, 333. Proceedings against defendant in custody, 333. Where defendant is not found, 334. Outlawry in civil actions, 334. Rules of practice at common law, 335. Non-suit, 335. Pleadings, 335. Judgment by default, 335. Writ of inquiry, 335. Issues when tried, 336. Lawyer's fee taxed, 336. Special verdict, 336. Pleas in abatement, 336. Non est factum, 336. Replevin, pleas in 336. Fines on county courts and vestries, 336. Records at large, 337. Witnesses, 337. Depositions, 337. Refusal to give evidence, 337. Who not competent, 338. Popish recusants, 338. Witnesses failing to attend, 338. Privileges of 338. Allowance to 338. Appeals, how allowed, 339, 340. Assigning error on 339.

Jeofails, statute of, adopted, 332. Damages on appeals, 340. Judgments on 340. Supersedeas, and Certiorari, rules in granting, 340, 341, 342. Habeas corpus, 342. Insolvent debtors, 342. How discharged, 343. Penalty on officers for neglect of duty, 344. Not paying money, 344. Sheriff, his executors, &c. liable for escapes, 345. Rules of practice in chancery 345, to 349. Injunctions, rules in granting 349. Power and duty of sheriffs, attending court 349.

GLEBES.

To be provided for ministers 89.

GOATS.

Trespasses, by unruly, penalty on owner 38.

GOOD BEHAVIOUR.

Gamesters may be bound to 80.

GRAIN.

Price of, limited 553. Penalty for exporting, during prohibition 554.

GRAND JURIES.

How summoned, in certain county courts 210.

GUARDS.

For the batteries 117.

HALIFAX.

County, formed from Lunenburg 252. Boundaries 252. Court days 253. Officers' fees due in, payable in money 372. Court day of, altered 383.

HAMPSHIRE.

Salary of minister of parish of, commuted for money 369. Officers' fees due in, payable in money 372. County, formed from Frederick and Au-

gusta 376. Boundaries 377.
Court days 377.

HARRISON, NATHANIEL
Act for relief of, and Hugh
Adie 280.

HARRISON, BENJAMIN
Agreement between, and John
New, concerning certain
lands, confirmed 303.

HEADING.

Dimensions of, for exportation
233.

HEMP.

Encouragement, for cultivating
144, 146.

HIGHWAYS.—See **ROADS.**

HOGS.

Trespasses, by unruly, penalty
on owner 38. Who may keep
at mills, who not 59.

HOG-STEALING.

Punishment of 121. Where
there are several offenders
121. Punishment of servants
122. Of slaves 122. Of false
witnesses 122. Third offence
felony, without clergy 123.
Hogs found, without ears
123. Indians' hogs, how
marked 123. Penalty for
buying pork from Indian 123.

HOMICIDE.

Of slaves, when dispunishable
111.

HORSES.

Trespasses by unruly, penalty
on owner 38. Regulations
for improving the breed 118,
119. Who may not keep
more than one gelding or
spaid mare 119. Penalty 119.
Overseers and servants may
keep, by license of master
119. Stoned horses, under a
certain size, running at large,
may be seized 119. Proceed-
ings, on seizure 120. Duty

on horses imported 126. How
collected 126, 127. Reward
for apprehending horse-steal-
ers 129. Imported for sale,
without certificate, may be
seized 130.

HORSE-STEALERS.

Reward for apprehending 129.
To go to executors or admin-
istrators of persons killed, in
attempting to apprehend 129.

IMPRESSMENTS.

For public service, in the mili-
tia, how conducted 114, 115.
Soldiers raised by, for French
war 438, 465.

INCLOSURES.

What deemed lawful 38. Penal-
ty for breaking 38. How view-
ed 39.

INDIANS.

Nottoway, titles to lands pur-
chased of, confirmed 284.
Penalty for taking their blan-
kets, guns, &c. 286. To ap-
pear at musters without arms
533. How they may be em-
ployed 533. Rewards for tak-
ing, prisoners, or killing
551. Scalps of those killed to be
produced, 551. Felony to kill a
friendly 552. Friendly, intitled
to receive, for scalps 565.

INDIAN CORN.

Price of, limited 553.

INFANTS.

Marrying, rules concerning 82.
In the militia, fines against,
how collected 539.

INJUNCTIONS.

Rules in granting 349,

INQUIRY.

Writ of, when awarded 335.

INSOLVENTS.

How discharged 342. How their
effects to be disposed of 343.

On executions from general court 343.

INSPECTORS.

Of pork, beef, flour, tar, pitch and turpentine 146. Of tobacco, how appointed, their duty and oath 159, 161, 162. Their salaries 175, 352. Incapacities of 180, 185. Proceedings against, for breach of duty 194. When to attend 224. How to account, 224. May be collectors 226. Of lumber, how appointed; their oath, duties and fees 233, 234. Of tobacco, to pay for that condemned, on a review 473. Salaries of reduced during the French war 567.

INTAILS—See **FEE-TAIL** and **LANDS**.

INTEREST.

What declared lawful 102. All contracts for greater, void 102, 103. How persons bound by usurious contracts may be relieved 103.

INVASIONS & INSURRECTIONS.

Power of governor to call out the militia, to repel 112, 115. Act concerning continued 350. Act making provision against amended, in consequence of the incursions of the French and Indians 544. Duty of officers, on receiving intelligence of 544. To oppose the enemy immediately, till further orders 545. To call a council of officers 545. Fines, for neglect 545. Punishment of mutiny 546. Felony to hold correspondence with, or give intelligence to the enemy 546. Officers and soldiers in actual service, liable to all the penalties impos-

ed on militia 546. Courts martial, how constituted 547. To take an oath 547. Form of oath 547. To appoint a clerk 547. His oath 547. Punishment of disobedience 547. For prophane swearing and drunkenness 548. Limitation of punishment 548. Protection of officers, if sued 548. Not permitted to resign, if called into service 548. Pay of 548, 549. Of artificers 549. For transportation 549. Fines on soldiers, for disobeying orders, at a battery 549. Act making provision against amended 559. Punishment of mutiny and desertion 560. Commission for holding courts martial may be granted by the governor 560. Of what number court to consist 561. Oaths of members 561. Clerk to be appointed 561. His oath 561. What number must concur, in sentence 562. Within what hours, to sit 562. Party to have a copy of his sentence 562. Transcript of proceedings, to be sent to governor 562. Sentence to be suspended until governor's pleasure known 562. Power of magistrates to apprehend deserters 562. Constables charged with deserters, may impress men 563. Penalty to suffer escapes 563. Encouragement to apprehend deserters 563. Penalty to harbour, or deal with them for their arms &c. 563. How recoverable 563. Protection of officers, for any thing done, in their character 564.

IRON-WORKS.

Act for encouraging adventurers in 137. Roads to and from 137. Persons employed in, exempted from working on other roads 137. May take timber for bridges 138. And Exempted from muster 138. And levies for 7 years 139. But liable to pay tithes 139. Must not make tobacco 139.

JAILOR.

Public, how appointed 135. His qualifications, fees, duties, and privileges 135, 136.

JEO FAILS.

Statute of, adopted 339.

JOHNSON, PHILIP

Agreement between, and William Armistead, concerning certain lands, confirmed 412.

JUDGES.

Of general court, who 326. Oath 326. In chancery 327.

JUDGMENTS.

On protested bills of exchange, equal to 86. By default, or nonsuit 335. Final, costs on 336.

JURISDICTION.

Of general court 327, 328.

JURIES.

Power of sheriff to summon 349.

LANDS.

Surveyors of, and their assistants to be sworn 33. Rules in entries for, 33. How surveyor may enter for himself 34. Rules in special cases 34. Assistant surveyor not to make entry 35. In what county to reside 35. Rules in making surveys, returning plats &c. 35. Surveyor's books, how examined, and preserved 36. Chain carriers 36.

Notice of surveying must be given 36. When entries void, for non attendance 36. Plats to be delivered to the owners only 37. Exceptions 37. Securities, for surveyor's fees, void 37. Penalties, how recoverable, 37. How an acre may be condemned for a mill 55. Grants for, in certain parts of Northern Neck confirmed 198, 199. Vestry of upper parish in Nansemond, authorised to sell certain lands, devised by William Cadowgan, 266. Two acres, of which Elizabeth Exum is seized, vested in justices of Southampton 283. Titles of, purchased of Nottoway Indians confirmed 284. Vestry of Washington parish, in Westmoreland county, authorised to sell a certain tract of 290. Intail of certain lands, whereof Rebecca, wife of William Clinch, is seized, in Charles City, docked 297. Certain intailed, vested in Reuben Skelton 300. Agreement between John New and Benjamin Harrison concerning, confirmed 303. Intail of certain lands, whereof Arthur Smith is seized, docked 308. So of David Garland 311. Certain intailed lands vested in Henry Washington 314. So, as to Thomas Chamberlayne 319. So, as to William Dandridge 321. Vestry of South Farnham, in Essex, authorised to sell their glebe 388. Justices, &c. of Elizabeth City, enabled to take certain lands, devised by Benjamin

Sym, for a free school 389. Vestry of parish of Blisland, in James City and New Kent, authorised to sell certain lands, and lay out the money in plate and church ornaments 393. Intail of certain lands, in Fairfax, whereof Gerard Alexander is seized, docked 399. So, as to Robert Chew, for lands in Middlesex 402. John Armistead authorised to dispose of certain intailed lands 405. Intail of certain lands in Gloucester, whereof Lawrence Smith is seized, docked 407. Agreement between Philip Johnson and William Armistead, concerning, confirmed 412. Intail of certain lands, in King William, whereof Nathaniel West Dandridge is seized, docked 428. Certain lands, lying in Northampton, vested in Littleton Eyre 443. Intail of certain lands, in Nansemond, docked, and vested in Thompson Swann 446. So, as to lands, whereof Joseph Bridger is seized, in fee-tail 448. Secretary of colony authorised to sell certain lands attached to his office 511. Agreement between Wm. Withers and Augustine Washington, for land in Stafford, confirmed 513.

LANDINGS.

Public, how established 60, 64.

LAND TAX.

Imposed, to aid in carrying on the French war 463. Extraordinary, for the same purpose 522. Act for better collecting 566. Remedy against

sheriffs 566. Collectors to be appointed, when 567.

LAWS.

Sundry acts repealed 131. Certain laws passed in 1748, repealed by proclamation 215.

LEEDS-TOWN.

Trustees of, authorised to make a causeway, through a marsh 212. Act establishing town of amended 278.

LEVIES.

Parish, how levied, collected and paid 88, 90. Persons at iron works exempted from 139. How paid in tobacco 168, 171. Act for raising public 201, 247, 374. Sheriff to give bond for collection of 247.

LICENCE.

Or pass, for persons going out of the country, how obtained, 44, 48. To keep ordinary, 71. Fee for, 72. Marriage, how obtained, 82. To practise law as an attorney, 141. To pedlars, 245.

LIGHT-HOUSE.

To be erected at Cape Henry, 227, 228. Duty to be paid by masters of ships, 228.

LIMITATION.

For proving store accounts, 54, 55. Act of, not to avail in favor of soldiers, while exempted from arrests, 527.

LIQUORS.

What debts contracted for retailed void, 74. Act laying duty on, continued, 193. Additional duty on rum, 194. Duty continued, 222, 354. Additional on spirits, not the produce of the British sugar, islands, 471.

LOOK-OUTS.

When and where appointed, 115.

LOTTERY.

Instituted to aid in carrying on the French war, 453. Managers, 454. Their oath, 454. To give bond, 454. Tickets, how to be prepared, 455. Receiver, how to be appointed, 455. Receivers duty, 456. Prizes, 457. Mode of drawing, 458. Prizes, how paid, 460. Time for drawing lottery, 354.

LUMBER.

Dimensions of staves, heading, and shingles, for exportation, 233. County courts to appoint inspectors, 233. Their oath, duty, and fees. 234. Penalty for neglect, 234. Oath and liability of masters of vessels, 235.

LUNENBURG.

County divided, and Halifax formed, 252. Boundaries. 252. Court days, 253. Again divided and Bedford formed, 381. Boundaries, 381. Court days, 381. Part of county of added to Bedford, 441. Mode of holding courts in, altered, 201. Expiration of act, 231.

MADEIRA.

Dimensions of staves, heading, and shingles exported to, 233. Wine imported, gauge of casks prescribed, 235.

MAGAZINE.

To be fortified, 528.

MAIMING.

Definition of, 250. How punished, 250.

MARINERS.

Not tithable, 43.

MARRIAGES.

No person to be married without licence or publication of banns, 81. Penalty on ministers marrying otherwise, 81. On granting false certificate of publication of banns, 82. Marriage licences, how issued, 82. Where an infant marries, 82. Penalty for issuing or signing licences, contrary to law, 83. Penalty on publishing banns, or marrying servants, 83. On servants married, or free persons marrying such, 84. Fees for marrying, 84. For exacting greater, 84. Penalties, how recoverable, 84. No white to intermarry with black, &c. 361. Penalty on ministers, 362.

MASTERS.

Duty of, to servants, 357. Between and servants, when void, 358.

MATTAPONY.

Act for clearing Mattapony river, 394. Power and duty of trustees, 395.

McNEAL, HECTOR

Lieutenant, reward to, for his gallant conduct in the late engagement on the Monongahela, 528.

MEASURES.

Sealed, to be kept at mills, 59.

MEDICINE.

Prepared, or administered by slaves felony, 105. When clergyable, when not, 105.

MEHERRIN.

Parish of, formed from St. Andrew, 386.

MESENTERS.

Sent in time of invasion or in-

insurrection, paid as public expressers, 117.

MILITIA.

County courts may contract for ferriage of 20. Power of governor to call out in cases of invasion or insurrection, 113. Duty of officers, 113. Penalty for neglect, 114. On soldiers failing to appear armed, 114. Impressments, how conducted, 114, 115. Look-outs appointed, 115. Pay of officers and privates, 116. Must furnish their own arms, &c. 116. - Messengers, how paid, 117. Artificers pay, 117. Watermen, 117. Vessels, carriages, &c. 117. Guards, 117. Public arms, when furnished, 118. Act for better regulating amended, 421. Patrollers appointed, 421. Their duty, 421. Their allowance, 422. Penalty on officer not appointing, 422. Single men subject to be drafted, 527. Act further regulating and training, 530. Who to be enrolled, 531. Who exempted, 531. How to be armed and accoutred, 531. Exempts to furnish arms, 532. Mulattoes, negroes, and Indians, how employed, 533. Misbehaviour, 534. Courts martial, 534. Fines for various delinquencies, 535. Officers, how to be armed at musters, 537. Time allowed to provide such arms, by officers, 537. By soldiers, 538. Arms exempted from execution, or distress, 538. No exempted overseer or miller to appear at musters, 538. Fines

incurred by infants and servants how to be paid, 539. Sheriff to collect fines assessed by courts martial, 539. Remedy against sheriff, 539. Commissioned officers to take certain oaths, 540. Penalty for failure, 540. Present officers to act until others be appointed by the governor, 541. Appropriation of fines, 541. Fines for failing to attend courts martial, 541. Adjutant general exempted from payment of ferriages, 541. Militia of Williamsburg and Norfolk, not compellable to muster out of the city or borough, 541. Courts martial to be held therein, 542. What officers exempted from serving, 542. Patrollers, how appointed, 542. Their duty, 542. Their compensation, 543. Penalty on officers failing to appoint patrollers, 543. On patrollers failing to do their duty, 543. Patrol in Williamsburg and Norfolk, 543. General issue, pleadable, and special matter may be given in evidence, in prosecutions against patrollers, 544. Costs, how recoverable, 544. Officers to reside in their counties, 530. Duty of officers of, on invasion or insurrection, 544. Officer receiving notice of, to give information to county lieutenant, 544. And immediately to oppose the enemy, until further orders, 545. Fines for neglect, 545. Punishment for mutiny and desertion, 546. All officers and soldiers in actual

service, liable to penalties, imposed on militia, 546. Courts martial, how constituted, 547. Oath of officers, 547. Of clerk, 547. Punishment for disobedience, profane swearing, or drunkenness, 547, 548. Limitation of punishment, 548. Protection of, if sued, 548. Militia not liable to be marched more than five miles beyond the frontiers, 548. Officers of, not permitted to resign, on a call of 548. Pay of cavalry and infantry, 549. Pay of smiths, wheel wrights, carpenters, and other artificers, 549. For waggons, boats, &c. 549. Fines on soldiers disobeying orders at batteries, 550. Act providing against invasions and insurrections to be published at every general muster, 550.

MILL-DAMS.

Must be twelve feet wide at the top, 67.

MILLS.

Method of proceeding, on petition for an acre of land, 55. Condition of holding such acre, 56. Party injured may sue for damages, 56. Saving to persons under legal disabilities, 56. Provision, in special cases, where entailed land had been sold, 57. Burnt or destroyed, must be rebuilt within three years, 58. No mill to be built without leave of court, 58. Exceptions, 58. Miller's duty and toll, 58. Penalty, 59. Where a servant or slave is miller, 59. Privilege of owners, 59. Scaled

measures to be kept at 59. Who may not keep hogs at, 59. Width of mill dam, over which a road passes, 67.

MINISTERS.

Their duties, in relation to marriages, 81, 82. Marriage fees, 84. Fee for a funeral sermon, 84. Salary of, 88. How paid, 88. Provision for vacant parishes, 88. Duty of, in relation to repairs, 90. Their rights, 90. Commutation of salaries of, in Frederick, Hampshire, and Augusta, 369.

MISSISSIPPI.

Encouragement to settlers, on the waters of, then in the county of Augusta, 258. Further encouragement, 355. Further encouragement and protection of, against French and Indians, 417.

MONEY.

Burgesses wages payable in, 251, 273, 422, 432, 497, 570. Tobacco debts payable in, 568.

MONONGAHELA.

Gallant conduct of officers and privates, in the late engagement on, recited and rewarded, 527, 528.

MULATTOES.

To appear at musters, without arms, 533. In what manner they may be employed, 533.

MUSTERS.

Persons employed at iron works exempted from 138. General, when to be, 533. Punishment for disobedience, or misbehaviour at a general or private muster, 533. Delinquents at, how returned, 534.

MUTINY.

In seamen, how punishable, 26.
How punished, in officers and soldiers, 546. Further punishment of, 560.

NANSEMOND.

Vestry of upper parish of Nansmond authorized to sell certain lands devised by William Cadowgan, 266. Further provision for sufferers. in loss of records of county court of 507. Vestry of upper parish of dissolved, 518.

NAVAL OFFICERS.

Their duties and fees, 96. Penalty for exceeding, 97.

NEGROES.

Free, to appear at musters, without arms, 533. In what manner they may be employed, 533.

NEW, JOHN

Agreement between, and Benjamin Harrison, concerning certain lands, confirmed, 303.

NON EST FACTUM.

How to be pleaded, 336.

NON EST INVENTUS.

Proceedings on return of, 334.

NON-SUIT.

Costs on, 335.

NORFOLK.

Charter of, explained, and privileges of inhabitants enlarged, 261. Right of suffrage, 261. How exercised, 262, 263. Bounds, how ascertained, 263. Court of Hustings to have sole power of granting ordinary licenses, 263. Court house and prison, how to be erected, 264. Inhabitants of Norfolk county authorized to pay their public dues in money, 502. Militia of, not com-

pellable to muster out of the borough, 541. Courts martial to be held for, 542. Patrolers in, how appointed, 543.

NORTHERN NECK.

Grants of land from the crown, in certain parts of, confirmed, but rents and services enure to Lord Fairfax, 198, 199.

NOTES.

Actions of debt may be obtained on, 86.

NOTICE.

Of surveying, must be given, 36.

NOTTOWAY.

Vestry of parish of, in county of Amelia dissolved, and new one to be elected, 272. Indians, titles of lands, purchased of, confirmed, 284. Penalty for taking their blankets, guns, &c. 286. Parish of divided, and St. Patrick formed, 504.

OATHS.

Of chain carriers, 3. Of attorneys, 141. Of wolf killer, 152. Of inspectors of tobacco, 161. Of inspectors of lumber, 234. Of judges of the general court, 326, 327. Of officers of the militia, 540. Of courts martial, 547, 561. Of clerks of court martial, 547, 561.

OBLIGATIONS.

For surveyors fees, void, 37. Or tavern debts for drink sold, 14.

OFFICERS.

Rewards to, for their gallant conduct, in the engagement on the Monongahela, 528. Officers of the militia, how to be armed, 537. Oaths of, 540. Present officers to act, till

otherwise directed by the governor, 540. Duty of, on insurrections, 544. Penalties for neglect, 545. All officers in actual service, subject to martial law, 546. Courts martial, how constituted, 547. Punishment for disobedience, 547, 548. May plead the general issue, and give special matter in evidence, 548. When not permitted to resign, 548. Pay of, 548, 549.

OFFICE JUDGMENTS.

In the general court, when final, 335.

ORDINARIES.

Licence for, how obtained, 71. Bond, 72. Fee, 73. Rates, 73. Table to be set up, 73. Penalty for retailing without licence, 73. Exceptions, 74. How suppressed, 74. What debts contracted at, void, 74. Penalty for selling liquors to sailors on credit, 75. Penalties, how recoverable, 75. Ordinaries in Williamsburg excepted, 75. And shall be under the jurisdiction of the court of Hustings, 75. Penalty on ordinary keepers, permitting gaming, 79. Hustings court of Norfolk has exclusive jurisdiction of, within that borough, 263.

ORGAN.

To be purchased for church in Williamsburg, 230.

ORPHAN'S COURT.

When held for the county of Lunenburg, 210.

OUTLAW.

What slaves may become, 110. May be killed, 111. Out-

lawry, in civil actions, 334.

OVERSEERS.

May keep one horse, or spaid mare, if licensed by the employer, 119. Liable for tobacco refused, 166.

OYER AND TERMINER.

Court of, for trial of slaves, how constituted, 105.

PAGAN CREEK.

Bridge to be built over, 288. Power and duty of commissioners, 288.

PAMUNKEY.

River, act for clearing, 291. Power and duty of trustees, 292, 293.

PAPER MONEY.

Emitted, for the purpose of carrying on the war against the French, 467, 528.

PARISH LEVY.

For support of the clergy, how collected, 88.

PARISHES.

Of St. Mark and St. Thomas, in Culpeper, divided and new modelled, 256. Bromfield parish formed, 256. Vestry of parish of Frederick, in Frederick county dissolved, 258. Vestry of upper parish of Nansemond, authorized to sell certain lands, 266. Vestry of dissolved, 518. Of Truro, in county of Fairfax, authorized to sell their glebe, 270. Appropriation of the money, 271. Vestry of parish of Nottoway, in county of Amelia dissolved, and new one to be elected, 272. Of Washington, in Westmoreland county, authorized to sell certain lands, 290. Of Cumberland, in Bedford, di-

vided, and Russel formed, 382. Part of Albemarle, in Surry, added to Southwark, 385. St. Andrew, in Brunswick county divided, and Meherrin formed, 386. Vestry of St. Andrew's dissolved, and a new one elected, 502. Of Nottoway in Amelia divided, and St. Patrick formed, 504. Vestry of parish of Cople, in Westmoreland dissolved, 517.

PASSES.

Or licences, for persons going out of the country, how obtained, 44, 48. Slaves going abroad without, 109.

PATROLLERS.

To be appointed out of the militia, 421. Their duty and allowance, 421, 422. Mode of appointing, 542. Their duty, 542. Allowance, 543. Penalty on officers failing to appoint 543. On soldiers failing to do their duty 543. In Williamsburg and Norfolk, 543. Protection of, if sued 544.

PAY.

Of officers and soldiers of the militia 116. Of the army 549.

PEDLARS.

To obtain licenses 245. Fee for 245.

PENAL LAWS.

When special bail not required in prosecutions on, 333.

PENSIONS.

Allowed to soldiers maimed or wounded, in the French and Indian war, 527.

PILOTS.

How nominated and appointed, 490. Penalty for acting without a branch 490. Proviso,

as to vessels in distress 490. Restriction as to partnership 491. Duty of pilots 491. Remedy against, for neglect 491. Rates of pilotage 491, 493. When pilots may, or may not be taken, 493. Table of fees to be exhibited, 493.

PITCH.

Inspectors of appointed, their duty, 147. How inspected, 147. Contents of barrel of, 148. Regulations for exporting 150. Inspectors of, not to deal in, 184.

PLATS.

And certificates of survey, when and where returned 35. Surveyor not to deliver, except to the owner, 37. Exceptions 37.

PLEADINGS.

Rules for filing, in general court 335. In replevin 336.

PLEAS.

In abatement, non est factum, replevin, rules for filing 336.

POCAHONTAS.

Town of, in Chesterfield county established, 276.

POLL-TAX.

Extraordinary, for prosecuting the war against the French and Indians, 522. Provision, for better collecting 566. Remedy against sheriffs 566. Collectors, when to be appointed 567.

POOR.

How removed, from parish to parish, 31. Penalty for not receiving them 32. For not paying charges of removal, 32. For entertaining them without giving notice to church wardens 32. What poor children may be bound

apprentices, 32. Work-house to be erected for, 475. Beggars to be sent there, 476. Duty of vestry and churchwardens, 477. Poor to wear a badge, 478.

PORK.

Inspectors of, appointed, their duty, 147. How inspected, 147. Contents of barrel of, 148. Regulations, for exporting 150.

PORT ROYAL,

Free ferry established at 296. Act for establishing town of, amended 316.

PORTSMOUTH.

Town of, in Norfolk county established 265.

POUND BREACH.

Damage for 10.

PRACTICE.

Rules of, in certain county courts, at common law, 205. In chancery 207. In general court 334. In general court, in chancery 345 to 349.

PREMIUMS.

For making tar and hemp 144. How paid 146. To officers and soldiers, for their gallant conduct, in the late engagement, on the Monongahela 528. For Indian prisoners 551. For Indian scalps 551. Benefit of act extended to friendly Indians 665.

PRESENTATION.

To vacant parishes, in vestry, how long 90.

PRINCE EDWARD.

County, formed from Amelia 579. Boundaries 380. Court days 380.

PRINCE GEORGE.

County divided, and Dinwiddie formed 254. Boundaries 255. Court days 255.

PRINCESS ANNE.

Inhabitants of, authorised to pay their public dues in money, 502.

PRISON.

Public, rooms of, how appropriated 135. Governor to appoint a keeper 135. How such qualified 135. Duty, fees, and privileges of 136.

PRISONERS.

Proceedings against 333.

PROCESS.

Rules for issuing from general court 328. Against a councillor 330. Against a sheriff 330. Where defendant not found 334.

PROCLAMATION.

Certain laws passed in 1748; repealed by 215.

PROSECUTORS.

When to pay costs 246.

PUBLIC EXPRESSES.

Exempted from ferriages 21.

QUIT-RENTS.

How paid in tobacco, 168, 171. When distress may be made for 171. Summary remedy against sheriffs for, 552.

RANGERS.

To be enlisted, or drafted, from single men, for carrying on the French war 465.

RATES.

Tavern, rules concerning 73.

RECOGNIZANCE.

Of bail how to be taken 333.

RECORDS.

At large, when to be made up 337. Further provision for sufferers, in loss of, in clerks office of Nansemond 507.

RECUSANTS.

Popish, incapable of being witnesses, 338.

RENTS.

Goods distrained for rent, how disposed of, 9. Distress, for tobacco, 10. Wrongful distress, 10. Pound breach or rescous, 10. Rent to be paid, before execution satisfied, 10. Proviso 11. Attachment against tenant removing, 11. When goods carried off the premises may be distrained, 11. Except *bona fide* sold, 12. Debt for rent, when it lies. 12. Rent distrainable for, after determination of lease 12. Proviso 12. Saving debts due to the king, 12. Of public warehouses reduced, during the French war, 568.

REPEAL.

Certain acts of Assembly repealed 131, 132.

REPLEVIN.

For rent, 9. Pleas in, how many allowed, 336.

RESCOUS.

Damages for, 10.

RESIGNATION.

Penalty on officers for, to avoid a call into actual service 548.

RETALIATION.

On Indians, for their cruelties and murders 550. Reward for scalps 551. Friendly Indians entitled to the reward 565. How to be obtained 565.

REWARDS.

For making tar and hemp, 144. For killing of wolves 152. To Col. George Washington, and others, for their gallant conduct, in the late engagement, on the Monongahela, 528. For Indian prisoners, 551. For Indian scalps 551.

RICHMOND.

Trustees of town of, appointed, 281. Fairs continued in 300.

RIVERS AND CREEKS.

County courts may contract for clearing, 69. Exceptions, 70. Penalty for setting weirs, or felling trees in 70. Or hedges, or stone stops 70. Exceptions 71. Act for clearing Appomattox and Pamunkey 291. So, as to Mattaponi, 394.

ROADS.

How established, width of, and how cleared 64. Jurisdiction of county courts 65. Where a road is necessary from one county to another 65. Surveyors, or overseers of, how appointed 65. Their duties, and penalty for neglect 66. How bridges shall be erected and kept 66. Contracts of county courts obligatory on their successors 67. Width of mill-dams, over which a road passes 67. Bridges and passages over, to be railed in 68. Sign posts to be erected 68. Penalty for neglect, or for defacing, 68. To and from iron-works 137. Persons employed at iron works, exempted from working on 137.

RULES.

For pleadings, in the general court 335.

RUM.

Additional duty on, and other distilled spirits, not the produce of the British sugar islands 471.

RUNAWAYS.

Ferriages of, how paid 22. Seamen 24. Rewards for taking up 368. Proceedings on, 363.

Constable's duty 363. Not telling owner, to be committed 364. Proceedings, on commitment 364. Property, how proved 365. Where no owner appears, 366. Where runaway has crossed the bay, 366. Where they are from Maryland, or N. Carolina, 366. Officers may impress assistants, 367. Prison fees, 367. Servants to repay all losses, 367.

RUSSEL.

Parish, formed from Cumberland, in Lunenburg county, 382. New modelled, 442.

ST. ANDREW.

Parish of divided, and Meherin formed, 386. Vestry of dissolved and a new one elected, 502.

ST. MARK.

Parish of, in Culpeper, divided, and Bromfield parish formed from that and part of St. Thomas, 256.

ST. PATRICK.

Parish of formed from Nottoway, 504.

ST. THOMAS.

Parish of in Culpeper, new modelled, and Bromfield parish formed from that and St. Mark, 256.

SCALPS.

Of Indians, reward for 551. How the reward to be obtained, 551. Reward extended to friendly Indians 565. Reward to cease, on governor's proclamation of cessation of hostilities, 565.

SEAMEN.

Deserting, how apprehended 24. Reward for 24. Penalty

for suffering escapes 25. And for harbouring 25. On seamen absenting themselves, without leave 25. On masters of vessels, employing them, without certificates, 25. Seamen travelling without, may be taken up, 26. Disobedient, how punished, 26. Mutiny, 26. Duty of commanders, to seamen 27. Complaints of, how redressed, 27. For beating, wounding, &c. 27. Discharging sick or disabled 27. Certificates to be given those discharged, 28. Saving admiralty jurisdiction 28. Exempted, as tithables, 43.

SEARCH.

For tobacco, illegally shipped, 50. Penalty for resisting 50.

SECONDS.

Of tobacco, penalty for tending 51. Duty of constables and courts, in relation thereto 51, 52.

SECRETARY.

His duty, in granting passes, to leave the colony 46, 47. Of the colony authorised to sell certain lands attached to his office, 510.

SERMON.

Funeral, fee for 84.

SERVANTS.

Penalty for marrying each other, or a free person to a servant, 83, 84. How punishable for hogstealing, 122. Rules as to, imported without indentures, 356. Duty of masters to 357. Justices shall receive complaints of 358. Proceedings thereon 358. Contracts between and master void 358. To have property of

their effects 359. Sick or disabled not to be discharged, 359. Freedom dues 359. Who may not have 359. Penalty for dealing with, or a slave, 359. Duty of servants 360. Punishment for resistance 360. For violating penal laws 360. Where women servants, have bastards 360. No white to intermarry with a black 361. Penalty on minister 362. Servants, when free to have a certificate 362. Penalty on harbouring 362. Stolen or forged certificate, punishment for, 362. And on forgery, 362. Runaways, proceedings against 363. Remedy against servants, ignorant of their trade, or occupation 368. Or where they refuse to work, 368.

SETTLEMENT.

What a legal settlement of the poor, 31. How sent to their own parish, 31.

SHEEP.

Act for preservation of 295. Negroes not to carry dogs, 295. Sheep-killing dogs may be destroyed, 295, 489. Act for preservation of, revived 488. To what counties to extend 488. Number of dogs, to a negro quarter limited 489. Exception 489. Trespasses by unruly, penalty on owner, 38.

SHERIFFS.

Duty of, in suppressing unlawful assemblies of slaves 109. Their duty and fees, in relation to cattle seized 125, 172. When and how to collect and account for public dues and fees 174. To give bond for

collection of public levies or taxes 247. Process against 330. Liability, and remedy of, in case of bail 331, 332. Penalty on, for neglect of duty, 344. For not paying money received, on executions, 344. Liable for escapes 345. Additional bonds to be given, by 482. Forms of 482, 483. How prosecuted 483. Summary remedy against, for quit-rents collected 552. Remedy against, for failing to give security, for collections of Poll-tax and Land-tax, 566. Collectors to be appointed 567.

SHINGLES.

Dimensions of, for exportation, 233.

SIGN-POSTS.

At the forks of roads, how to be erected, 68. Penalty for failure, 68.

SINGLE MEN.

Subject to be drafted, 465, 527.

SKELTON, REUBEN

Certain intailed lands, vested in 300.

SLAVES.

Conspiracy of, to rebel and murder, felony without clergy 104, 105. Or to prepare or administer medicine 105. When clergy may be allowed 105. Where medicines may be administered 105. Trial of slaves 105. Court must be unanimous, to convict 106. Period between judgment and execution 106. Rules in allowing benefit of clergy 106. Punishment for false testimony 106. Charge to witness 107. Slaves on trial, how de-

fended 107. Value of, condemned and executed, paid by the public 107. In what cases witnesses 107. Not permitted to remain on other's plantation 108. Exception 108. Punishment of persons present at unlawful meetings 108. Duty of sheriffs and constables in suppressing 109. Going abroad without a pass 109. Arms &c. in custody of, may be seized 109. Exception 110. Lifting hand against a free white person 110. Outlaws, may be killed 110, 111. Killing of, when punishable 111. Incorrigible, may be dismembered 111. Remedy of owner against negligent surgeon 111. Set free, without license, from governor and council may be sold 112. How punished for hog-stealing 122. Duty on, revived, 217. How collected, and accounted for 218, 221. Not to carry dogs with them, 295. Exception 295. Act laying duty on, continued 353. Who shall be slaves 356. Penalty for selling free persons as slaves 357. What no discharge from slavery 357. Children bond or free, according to condition of mother, 357. Penalty for dealing with 359. No white to intermarry with black &c. 361. Felony to steal 369. Additional duty on, 466.

SMITH, ARTHUR

Intail of certain lands of which he is seized, docked 308.

SMITHFIELD.

Town of, in Isle of Wight county, established 274.

SMITH, LAWRENCE

Intail of certain lands, in Gloucester, whereof Lawrence Smith is seized, docked 407.

SOLDIERS.

Raised, by impressment, for French war, 438. Who exempted 439. Their pay 439. Rangers to be enlisted, or drafted, from single men 465, 527. Encouragement, to enlist 525. Invalids, how provided for 527. Rewards, for gallant conduct, in late engagement, on the Monongahela 528. Fines on, for various offences, in case of invasion or insurrection 545, 546. In actual service, subject to martial law 546. Punishment for desertion, or mutiny 546. For disobeying orders, at a battery, 549.

SOUTH FARNHAM.

Vestry of, in Essex, authorised to sell their glebe 388.

SOUTHAMPTON.

Certain lands of which Elizabeth Exum is seized, vested in justices of, 283.

SPECIAL BAIL.

Recognizance of, how taken 333. When liable 333. When not required 333.

SPECIAL VERDICT.

In general court, when to be argued 336.

STAFFORD.

Justices of, authorised to levy for Nathaniel Harrison and Hugh Adie, the value of their work, in building a court-house which was burnt 280.

STAVES.

Dimensions of, for exportation, 233.

STEPHEN, ADAM

Captain, reward to, for his gallant conduct, in the late engagement, on the Monongahela 528.

STEWART, ROBERT

Captain, reward to, for his gallant conduct, in the late engagement, on the Monongahela 528.

STEWART, WALTER

Lieutenant, reward to, for his gallant conduct, in the late engagement, on the Monongahela 528.

STERLING.

Judgments for, to be discharged at such difference of exchange, as the court shall direct 479. How, and when sterling money may be declared for 479. Currency, paid for bills, to be expressed 479. Penalty for neglect 480.

STOREHOUSES.

Public, how established, and price of storage 60—64.

• STRAYS.

Proceedings, on taking up, 133. Reward 133. Penalty for using, and failing to advertise 133. Where no owner appears 134. Where the value exceeds twenty shillings 134. Printer's fee 134. Taker up not liable for death or loss 134. Who may not take up, 134.

SUMMARY REMEDY.

Against sheriffs, for quit-rents collected, by them 552.

SUPERSEDEAS.

Rules in issuing 330, 340.

SURRY.

County divided, and Sussex formed 384. Boundaries 384. Court days 384.

SURVEYORS.

Of land, and their assistants to give bond 33. And be sworn 33. Consequence of failure 33. Rules, in entries for land, 33. Penalty, for failure of duty 34. How a surveyor may enter for himself 34. Rules in special cases 34. Assistant surveyor not to make entries 35. Where surveyors shall reside 35. Penalty for neglect 35. Duty in making surveys and plats 35. Surveyors book to be inspected 36. And preserved among the records, on his death or removal 36. Chain carriers to be sworn, 36. Notice of surveying 36. Consequence of not attending 36. Surveyor not to deliver a plat but to the owner 37. Exceptions 37. Securities for fees void, 37. Penalties how recoverable 37. Of highways, or roads, how appointed 65. Their duties 65, 66.

SUSSEX.

County, formed from Surry 384. Boundaries 384. Court days 384.

SWANN, THOMPSON

Intail of certain lands, in Nantsemond, docked, and vested in 446.

SYM, BENJAMIN

Certain lands devised by, for a free school, vested in justices &c. of Elizabeth city 389.

TAR.

Encouragement for making 144,

146. Inspectors of appointed, their duty 147. Contents of barrel of 148. Regulations for exporting 150. Inspectors of, not to deal in 484.

TAVERNS.—See Ordinaries.

TAXES.—See Duties, Levies.

Called public levies 247. Sheriff to give bond for collection of 247. Additional, for prosecuting the Indian war, 552. How collected and paid 523, 524. Provision for better collecting 566, 567.

TIPLING-HOUSES.

Ordinaries regulated, in restraint of 71. Power of justices to suppress 74.

TITHABLES.

Who shall be tithable 40. Persons exempted 41. How the ages of children imported shall be adjudged 41. List of tithables how taken 41. Penalty on justices not taking 42. On persons not giving in 42. Owner liable where overseer fails to list 42. Penalty on justice failing to list his own 42. When, further time allowed 43. What deemed a fraudulent concealment 43. Mariners exempted 43.

TOBACCO.

Distress, for rent for, within certain periods 10. Masters of vessels intending to load with tobacco, to give bond and take an oath not to injure it 49. Permit not to be granted before 49. Penalty, or for injuring tobacco on board 49. Defendant may be held, to bail 50. Who may give evidence 50. Penalty for resisting a search 50. Penal-

ty for tending seconds 51. Exception 51. Duty of constables, and courts, in relation thereto 51, 52. Persons at iron-works, not to cultivate 139. None to be exported, till inspected, at a public warehouse 154. Oath of masters of vessels 155. Penalty 155. When tobacco may be seized 156. Penalty on master and skipper 156. On servants 156. Exceptions 157. Manifests, when and how to be made out 158. Penalty for landing, except at the place of destination 158. Inspectors of, how appointed 159. Their oath, and duty 160, 161, 162. Penalty for neglect 162. When to attend 162. When another to be called in 162. Inspectors to give notes 163. Currency of notes 163. Transfer tobacco 164. Penalty on inspectors, not paying their notes 164. Crop tobacco 164. Rules in passing 165. Tender of, what good 165. Size of hogsheads 165. Refused to be burnt 166. How picked 166. Overseers liable for refused 166. Rules in shipping 166, 167. Penalty for forging notes 167. Notes lost, how renewed 168. Rules, in paying levies, quit-rents, and officers' fees 168, 169, 170. Costs in, how taxed 171. Public dues, and officers' fees when payable 171. Distress for, when and how made 171. Collectors when to pay 172. Warehouses established 172, 175. Salaries of inspectors 175, 177. Rents of Ware-

houses 177. Salaries and rents how paid 178. Mode of building warehouses, 178. How the property revested 180. Immediate conveniencies not to be taken 180. What stock inspectors may not keep 181. Losses, by fire to be made good, by the Assembly 181. Weights and scales to be provided 182. Penalty for clandestinely carrying tobacco to N. Carolina or Maryland 182. Sheriffs, constables and inspectors to take an oath to prevent 186. Penalty for failure, 186. Exportation of uninspected, how prevented 184. Inspectors ineligible to house of Burgesses 185. Not to intermeddle in elections 185. Nor deal in tobacco 185. Exception 185. Penalty, for taking a bribe 185. On person offering it 186. When tobacco must be opened, if paid away 186. Proceedings, if refused 186, 187. Special duties of inspectors 187, 188. Tobacco not to be manufactured, till inspected 189. Oath to be taken 189. Penalty 190. Light tobacco 190. Transfer made crop 190. How and when sold 190, 191. Proceeds of sale how accounted for 191. Summary remedy against inspectors 191. Certain warehouses discontinued 223. New ones established 223. Rents of 223. When inspectors to attend 224. Exception 224. Inspectors to account with treasurer 225. What receipts of, to specify, 225. Notes older than 18 months, not a

lawful tender 225. Tobacco over 3 years, in a warehouse to be sold 225. Currency of notes 226. Abatement 225. Inspectors may be collectors, in certain cases 226. Seafaring men to give bail 226. Reparation for tobacco damaged in sundry warehouses by a high wind and rain, and the overflowing of the tide 236. Limitation as to review of 351. Certain warehouses discontinued 351. New ones established 351. Rents of certain warehouses 352. Inspectors' salaries 352. What notes shall pass in payment 352. What allowance 352. New warehouses established 472. Inspectors' salaries 473. Inspectors to pay for tobacco condemned, upon a view 473. Proprietors to build a brick funnel for burning refused tobacco 474. Penalty, for neglecting to burn it 474. For making fires near a warehouse 474. Limitation of a review of tobacco 475. Of what dates notes a legal tender, and tobacco, if burnt, to be paid for, by the public 475. Act for relief of proprietors of tobacco burnt in Bolling's point warehouse 485. Commissioners appointed, their power and duty 486. At what rate, and how tobacco paid for 486. Rents of warehouses and inspectors' salaries reduced, during French war 567. Tobacco debts, payable in money 568.

TOLL.

Receiveable by millers 58.

TOWNS.

Portsmouth, in Norfolk county established 265. Regulations 266. Winchester, in Frederick county established 268. Fairs to be kept 269. Westham in Henrico county established 273. Smithfield, in Isle of Wight county established 274. Pocahontas, in Chesterfield county established 276. Act for establishing, near Roy's warehouse in Caroline, amended 316. Colchester, in Fairfax county established 396.

TRANSPORTATION.

Of debtors, out of the country, without licenses, penalty for 44, 45.

TREASURER.

How appointed 195. Tenure and duty of his office 195. Salary 196. Security to be given 196. Vacancy, how supplied 196. May borrow money, for rebuilding the capitol 196. Act for appointing 248. His salary 249. To give security 249. Vacancy how supplied 250.

TREASURY NOTES.

To be emitted, to aid in carrying on the French war, 467, 528. Felony to counterfeit 467, 529. Their currency 467, 529, 530.

TRESPASSES.

By horses, cattle &c. breaking into enclosures 38. Penalty on owner 38, 39. By taking boats &c. 40.

TRIAL.

Of issues, rules in 336.

TRURO.

Vestry of parish of, in county of Fairfax, authorised to sell their glebe, and pay part of

the proceeds, to the vestry of the parish of Cameron 270.

TURPENTINE.

Inspectors of appointed, their duty 147. How inspected 147. Contents of barrel of 148. Regulations, for exporting 150. Inspectors of, not to deal in 484.

UNLAWFUL ASSEMBLIES.

Of slaves, how punishable 108. Duty of sheriffs and constables 109.

USURY.

What declared legal interest 102. All contracts for greater void 102. Penalty 102. How persons bound by usurious contracts may be relieved 103. Where costs recoverable 103. Rates of brokerage 103.

VAGRANTS.

Who deemed vagrants 29. How treated 30. What deemed a legal settlement 31. How sent to their own parish 31.

VERDICT.

Special, or case agreed, rules for 337.

VESTRY.

Duty and liability of, in relation to the poor 32. Right of presentation in, how long 90. Actions against, jointly 336.

VIRGINIA OWNERS.

Liable to half duties and fees only 97.

WAGES.

Of Burgesses, payable in money 251, 373, 423, 433, 570.

WAGGONER, THOMAS

Captain, reward to, for his gallant conduct, in the late engagement on the Monongahela 528.

WAREHOUSES.

For tobacco, established 172, 174. Rents of 177. How lands may be acquired for 178, 179. When to revert 180. Some discontinued 223. New ones established 223. Rents of 223. Salaries of inspectors 223. Certain discontinued 351. New ones established 351. Rents of 352. Inspectors salaries 352. Proprietors not to use them 353. New ones established 472. Inspectors salaries at, reduced, during the French war 567.

WAR.

French and Indian, provision for protection of settlers, on the waters of the Mississippi, against 417, 418. Further provision for 435, 522. Recital of hostile acts of the French 436. Additional duties, for carrying on 436, 437. Army raised for, by impressment 438. Further preparations for 453. Lottery instituted 454. Act for raising revenues for, explained 461, Land tax 463. Rangers 465. Treasury notes, to be emitted 467. Further preparations for 521.

WASHINGTON, GEORGE

Colonel, reward to, and others, for their gallant conduct in the late engagement on the Monongahela 528.

WASHINGTON, AUGUSTINE

Agreement between, and William Withers, for lands, in Stafford, confirmed 513.

WASHINGTON, HENRY
Certain intailed lands, vested in 314.

WASHINGTON.

Vestry of parish of, in Westmoreland county, authorised to sell certain lands 290.

WEIGHTS.

And scales to be kept at warehouses 182. How provided and repaired 182.

WESTHAM.

Town of, in Henrico county established 273. Storage, payable at 500.

WEST-INDIES.

Dimensions of staves, heading, and shingles exported to 231.

WILLIAMSBURG.

Provision for rebuilding capitol in 197. For enlarging the church, and purchasing an organ 230. Militia of, not bound to muster out of the city 541. Courts martial to be held for 542. Patrollers in, how appointed 543.

WILLIAM & MARY COLLEGE.

Duties on hides, skins and furs exported, for support of 91. How collected and paid 91, 92. Duty on tobacco 92. How collected 93.

WINCHESTER.

Town of, in Frederick county established 268. Fairs to be kept therein 269.

WINES.

Madeira, guage of pipes, hogsheads and quarter casks 235. Penalty for selling under 236.

WITHERS, WILLIAM

Agreement between, and Augustine Washington, for lands, in Stafford, confirmed 513.

WITNESSES.

In what cases, negroes, mulattoes, and Indians may be 107. Punished for giving false testimony 206. Charge to 107. How summoned, to general court 337. Depositions of 337. Refusing to give evidence 337. Who may not be 338. Failing to attend 338. Privileges of 338. Their allowance 338. Power of sheriff to summon 349.

WOLVES.

Rewards for killing 152. Wolf-killer must produce the head, and be sworn or affirmed 152. Form of oath 152. Other evidence admissable, if the killer be under 14, or an Indian, negroe, or mulatto 153. Justice to grant a certificate 153. Penalty for a false oath 153. Ears of wolves to be cut off in presence of the justice 153.

Proceedings when justice suspects the truth of oath or affirmation 153. Clerks to return a list to Assembly 153.

WOODWARD, HENRY

Lieutenant, reward to, for his gallant conduct, in the late engagement on the Monongahela 528.

WORK-HOUSES.

To be built, for reception of the poor 475. Beggars to be sent there 475. How governed 477.

WOUNDING.

Punishment, for malicious maiming and wounding 250.

WRITS.

Rules of issuing and returning, in the general court 328. Of error, supersedeas and certiorari, when returnable 330. Rules, in issuing 340, 341.

WRITS OF INQUIRY.

When and how executed 335.

ERRATA

In Volume VI. of Statutes at Large.

Page		
	1 line 4 from top, for "due" read "done." This seems to be a mistake in the original.	
20	8 from bottom, for "Pappahanock" read "Rappahanock."	
104	3	after "it" insert "therefore."
158	13	for "be" read "has been."
ibid	1	after "herein," insert "before."
161	20 from top, for "pundred" read "hundred."	
177	2	for "60" read "30."
184	11 from bottom, for "this" read "his."	
193	6	for "shall" read "should."
210	17 from top, for "counties" read "county."	
214	7 from bottom, for "the" read "this."	
220	6 from top, for "nevertheless" read "always."	
267	6	for "wherein" read "whereon."
302	4 from bottom, for "that" read "this."	
308	15 from top, for "Æ" read "An."	
314	2	for "e" read "be."
339	2 from bottom, for "imspleading" read "mispleading."	
352	5	for "warehouses" read "warehouse."
357	18 from top, for "permitted" read "admitted."	
360	18 from bottom, for "That" read "And."	
367	16	for "allotted" read "allowed."
378	2 from top, for "collectors" read "collector."	
391	9	for "corporation" read "incorporation."
405	5 from bottom, the word "said" not in the original.	
436	3	for "first" read "fifth."
440	15	for "each" read "every."
456	17 from top, insert "of the" between "many" and "tickets."	
460	8	for "any" read "major."
469	3 from bottom, for "offibe" read "office."	
494	22	for "the" read "his."
510	17	for "in" read "of."
514	13 from top, for "leasing" read "leaving."	
515	2	for "Weshington" read "Washington."
547	8 from bottom, for "justice" read "law."	
555	9 from top, insert "said" before "eleventh."	



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